



NAVAL POSTGRADUATE SCHOOL

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THESIS

**BAPTISM OF FIRE FOR THE EUROPEAN SECURITY AND
DEFENSE POLICY:
WILL THE EUROPEAN FORCES SUCCESSFULLY
IMPLEMENT THE DAYTON ACCORDS?**

by

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June 2005

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DEFENSE POLICY:
WILL THE EUROPEAN FORCES SUCCESSFULLY IMPLEMENT
THE DAYTON ACCORDS?**

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ABSTRACT

The war in the Balkans (1991-1999) demonstrated dramatically the European dependence on the United States in military issues. The EU was paralyzed by the events in the Balkans and showed a startling incapacity to deal with this crisis. Even in 2005, some critics argue that, though the European Union (EU) has become an economic superpower, it is still a negligible player in the realm of security and defense issues. This thesis demonstrates that since 1998 the EU has developed a credible security and defense policy and the capabilities and the mindset successfully to conduct military missions. The thesis argues that the EU forces, EUFOR, will successfully implement the 1995 Dayton Accords in Bosnia and Herzegovina in the wake of NATO's Implementation and Stabilization Forces (IFOR/SFOR).

Following an overview of the development of the European Security and Defense Policy (ESDP), the thesis highlights how the ESDP was put into practice for the first time during operation CONCORDIA in Macedonia in 2003. The thesis further examines the challenges that EUFOR has to face in Bosnia and Herzegovina today and it outlines the ways and means that the EU and EUFOR chose to deal with the challenges in the country. The thesis summarizes the findings to show how they support the argument that EUFOR will successfully implement the Dayton Accords and the implications of the topic for ESDP more generally.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACO	Allied Command Operations
ACT	Allied Command Transformation
BiH	Bosnian and Herzegovina
CC	Component Command
CFSP	Common Foreign and Security Policy
CONOPS	Concept of Operations
COS	Chief of Staff
CIS	Command and Information System
DSACEUR	Deputy Supreme Allied Commander Europe
ECAP	European Capability Action Plan
EU	European Union
EU CAFAO	European Union Customs and Financial Assistance Office
EUCE	European Union Command Element
EU FCDR	European Union Force Commander
EUFOR	European Force
EUFOR HQ	European Force Headquarters
EUMC	European Union Military Committee
EUMM	European Union Monitoring Mission
EUMS	European Union Military Staff
EU OHQ	European Union Operational Headquarters
EU OPCDR	European Union Operation Commander
EUPM	European Union Police Mission
EUPT	European Union Planning Team
EUSC	European Union Satellite Center
EUSG	European Union Staff Group
EUSR	European Union Special Representative
ESDP	European Security and Defense Policy
ESS	European Security Strategy

FCA	Former Crisis Area
IJC	Independent Judicial Commission
IPU	Integrated Police Unit
IPTF	International Police Task Force
JFC	Joint Forces Command
JHQ	Joint Headquarters
HDZ	Croatian Democratic Community
HFC	Helsinki Force Catalogue
HHC	Helsinki Headline Catalogue
HHG	Helsinki Headline Goal
HR	High Representative
IC	International Community
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFOR	Implementation Force
IMS	International Military Staff
ISR	Intelligence, Surveillance, and Reconnaissance
KFOR	Kosovo Force
LOT	Liaison and Observation Team
MC	Military Committee
MILREP	Military Representative
MIP	Mission Implementation Plan
MNTF	Multinational Task Force
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
NLA	National Liberation Army
OHR	Office of the High Representative
OPLAN	Operational Plan
OPP	Operational Planning Process
OSCE	Organization for Security and Cooperation in Europe
PfP	Partnership for Peace

PIC	Peace Implementation Council
PSC	Political and Security Committee
RHQ	Regional Headquarters
ROC	Regional Operation Center
RS	Republika Srpska
SACEUR	Supreme Allied Commander Europe
SDA	Bosnian Party of Democratic Action
SDS	Serbian Democratic Party
SHAPE	Supreme Headquarters Allied Powers Europe
SFOR	Stabilization Force
SIPA	State Information and Protection Agency
SOFA	Status of Forces Agreement
SOP	Standard Operating Procedures
TOA	Transfer of Authority
UN	United Nations
UNPROFOR	United Nations Protection Force
VT	Verification Team
WEU	Western European Union
WMD	Weapons of Mass Destruction

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I. INTRODUCTION

A. PURPOSE AND SIGNIFICANCE

Some critics argue that though the European Union (EU) has become a strong economic power, it is still a negligible player in the realm of security and defense issues because of political disarray and military incapacity. The purpose of this thesis is to show that the EU is truly an economic superpower but also a reputable player on the international political and military stage. I will suggest that the EU has developed the capabilities and the mindset successfully to conduct military missions on a low to medium level of the conflict cycle.

The topic is highly significant for two reasons. First, the credibility and future progress of the EU's Security and Defense Policy (ESDP) is strongly dependent on the success of the European Force (EUFOR) and operation ALTHEA in Bosnia. Since the end of the 1990s, the EU and its members have put a lot of effort into the development of the ESDP. A successful conduction of the mission in Bosnia would support the positive development since 1999, support coherence among the member states, and encourage members to continue to strengthen their military capabilities and their willingness to take on further responsibility. A failure of EUFOR in Bosnia, however, would most likely have devastating effects, not only on the credibility of the EU in general, but also on the willingness of its member states to put further effort into the development of the European Security and Defense Policy.

Second, the outcome of the mission in Bosnia and Herzegovina will greatly influence the future relationship with the United States in the realm of security and defense. When the war in the Balkans broke out in 1991, the European states were not prepared to deal with the challenges they faced on their own continent. Consequently, the war unfolded without EU intervention and it was finally necessary for the United States to stabilize the region. Since the end of the Cold War, and particularly after 11 September 2001, an intense U.S. presence in the Balkans is not in the interest of the United States, whose future strategic challenges will mainly be in the Pacific region and in the war against

terrorism. Consequently, if the EU wants to stay a serious partner of the United States it must demonstrate its capability to take care of its own problems and challenges.

B. ARGUMENT AND MAJOR QUESTIONS

The war in the Balkans demonstrated dramatically the European dependence on the United States in military issues. The EU was paralyzed by the events in the Balkans and showed a startling incapacity to deal with them. Since then, however, the EU has made significant progress in the areas of security and defense policy. The member states became aware that it takes more than just economic power to be a major player on the international political stage. After the European Council in Cologne in 1999 the EU created the structures, institutions, concepts, and capabilities necessary for a credible European Security and Defense Policy that made possible the first EU-led military operation in 2003. Indeed, recent achievements, like the draft Constitutional Treaty and the European Security Strategy (ESS), and recent projects, like the Headline Goal 2010, indicate that the EU intends to widen its scope even further from low- and medium-intensity operations to high-intensity operations. I argue that today the EU has not only the general mindset to intervene militarily but also the capabilities and sufficient experience that will enable EUFOR to face the challenges in Bosnian and Herzegovina and to successfully implement the Dayton Accords during operation ALTHEA.

To elucidate my thesis I will address the following questions:

- What capabilities, structures, and institutions has the EU developed in the realm of its security and defense policy?
- Has the EU developed sufficient experience in the field of military operations?
- What challenges does EUFOR face in Bosnia and Herzegovina?
- What ways and means will the EU and EUFOR use to deal with these challenges?

C. METHODOLOGY

I begin by describing the development of the ESDP from the proclamation of the Common Foreign and Security Policy (CFSP) in Maastricht in 1992 until today. The discussion includes an examination of the pertinent EU institutional and conceptual achievements as well as an analysis of the EU's development of military capabilities. I pay particular attention to the 2003 Berlin-Plus arrangement between NATO and the EU and to the European Security Strategy.

The third chapter describes how the ESDP and the related institutional and conceptual achievements were put into practice for the first time in a military operation during operation CONCORDIA in Macedonia. Here I stress in particular how the EU made use of the Berlin-Plus arrangement and what lessons the EU learned from its first military operation.

Chapter IV examines the challenges that EUFOR has to face in Bosnia and Herzegovina today. The chapter begins with a brief history of the Balkan state before the signing of the Dayton Accords in December 1995, followed by a short summary of the Accords, I then concentrate on the social, political, economical and military development in the country after Dayton.

Chapter V outlines the ways and means that the EU and EUFOR chose to deal with the challenges in Bosnia and Herzegovina. I introduce the overarching EU approach to the country, the military objectives, and the military structure and force composition. Finally, I describe recent developments in the country after the transfer of authority (TOA) from NATO's Stabilization Force (SFOR) to EUFOR on 2 December 2004.

My conclusion summarizes the findings in preceding chapters to show how they support my thesis that the EU is now capable not only economically but also in terms of its security and defense. The EU and its forces, EUFOR, are now quite able to successfully implement the Dayton Accords.

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II. THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE POLICY

A. THE PROCESS FROM MAASTRICHT TO NICE

1. Background

Until the beginning of the 1990s the general assumption among the Western European countries was that defense and security functions were to be carried out solely by NATO. With the signing of the Maastricht Treaty in 1992, the members of the newly created European Union for the first time transposed a Common Foreign and Security Policy (CFSP) into their common principles and objectives.¹ The CFSP became the second pillar of the “Maastricht’s Greek Temple” and included the eventual framing of a common defense policy which could in time lead to a common defense. Because the European Union (EU) lacked its own military capabilities, the Western European Union (WEU) would become the organization to elaborate and implement decisions and actions with defense implications. The WEU accepted this challenge and gave itself an operational role by formulating the Petersberg Tasks in June 1992.

Apart from contributing to the common defense in accordance with Article V of the Washington Treaty and Article V of the modified Brussels Treaty, military units of WEU member states, acting under the authority of the WEU, could now also be employed for humanitarian and rescue tasks, peace keeping tasks, and tasks of combat forces in crisis management, including peacemaking. Besides the incorporation of the Petersberg Tasks into the Treaty in Amsterdam in 1997 (Art. 17.2) a real defense policy was not part of the EU’s agenda until 1999.² The operational powerlessness of the Europeans in the Balkans triggered the British to change their thinking in the field of European defense. The “Blair initiative” led to bilateral talks between Great Britain and France in St. Malo in December 1998. The idea was to give the EU the military capability and to express the real intention to act autonomously and to take on Petersberg missions.

¹ Antonio Missiroli, “Background of ESDP (1954-1999),” Institute for Security Studies, <http://www.iss-eu.org/esdp/02-am.pdf> (accessed Apr. 21, 2005)

² Ibid.

Supported by the recent events in the Balkans, particularly the NATO intervention in Kosovo, that idea was embraced by all 15 members of the EU in Cologne in June 1999. They determined that “the EU will be given the necessary means and capabilities to assume its responsibilities regarding a common European policy on security and defense...the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO.”³ These decisions were elaborated in Helsinki in December 1999, further developed in Santa Maria da Feira in June 2000, and finally agreed to in Nice in December 2000.

2. Institutional and Conceptual Achievements

The whole process from Cologne to Nice had the following outcome:

Nomination of Javier Solana to the post of High Representative for CFSP

To improve the effectiveness and the profile of the EU's foreign policy a High Representative for the CFSP was appointed. The professor for solid-state physics, former Spanish Cabinet Minister (1982-1995) and Secretary-General of NATO (1995-1999) Javier Solana took office in October 1999. At the same time, Solana became Secretary-General of the Council of the European Union. In July 2004 he was appointed for a second 5-year mandate.⁴ Solana has manifold tasks:

- Supporting the Council by formulation, preparation and execution of political decisions
- Development of concepts for a coherent and efficient security and defense policy
- Exchange of information with the European Parliament
- Supporting the Presidency in questions of the CFSP

³ Jean-Yves Haine, “ESDP: an overview,” Institute for Security Studies, <http://www.iss-eu.org/esdp/01-jyh.pdf> (accessed Apr. 21, 2005)

⁴ The Council of the European Union, “Curriculum vitae of Mr. Javier Solana,” http://ue.eu.int/cms3_applications/applications/solana/cv.asp?cmsid=246&lang=EN (accessed Apr. 21, 2005)

- Representing the EU in other international institutions such as NATO and the Organization for Security and Cooperation in Europe (OSCE)

Creation of a Political and Security Committee (PSC)

The Political and Security Committee consists of ambassadors from each member state who meet twice a week. Additionally, the Committee meets regularly with its NATO counterpart, the North Atlantic Council (NAC), to exchange information on defense and security issues.⁵ Its general function is to deal with all aspects of the CSFP and the European Security and Defense Policy (ESDP). This includes tracking the international situation as well as developing policies and monitoring their implementation. The PSC gives guidelines to the Military Committee and receives its opinions and recommendations. It evaluates military options, including the chain of command, operational concept, and operational plan and advises the Council of the European Union. Consequently, it plays an important role in decision-shaping, but not in decision-making. Although the PSC can exercise political control and strategic direction of a possible military operation, it will do so under the responsibility of the Council.⁶

Creation of a European Military Committee (EUMC)

While the PSC is the counterpart to NATO's NAC, the European Military Committee is comparable to and on the same level as NATO's Military Committee (MC). The EUMC represents the EU's highest military body and though originally composed of the chiefs of staff of the member countries, is actually attended by their military representatives (MILREPs). The EUMC gives military advice and recommendations to the PSC and military directives to the European Union Military Staff (EUMS). The Military Committee's work includes the development of an overall concept of crisis management in terms of military

⁵ Rainer Feist (Admiral, ret., Deputy Supreme Allied Commander Europe (DSACEUR) from 18 Sep 2002 - 30 Sep 2004), e-mail to the author, Nov. 7, 2004

⁶ Antonio Missiroli, "ESDP: How It Works" in *EU Security and Defense Policy*, Institute for Security Studies, <http://www.iss-eu.org/books/5esdpen.pdf> (accessed Apr. 21, 2005)

aspects, a risk assessment of potential crisis, and the elaboration, assessment, and review of the EU's military capabilities.⁷ The EUMC meets regularly with NATO's MC.⁸

Creation of a European Military Staff (EUMS)

The European Military Staff provides the military experience and support to the ESDP. It represents a wide spectrum of expertise for the EU in terms of security and defense, and it functions as a link between political and military authorities within the Union. The Staff is integrated into the Secretary-General's office and is immediately under the High Representative's control. Its tasks encompass:

- Early warning and situation assessment
- Strategic planning within the scope of the Petersberg tasks
- Developing methods and concepts based on or compatible with those of NATO
- Observation and analysis of EU-led operations
- Identification of national and multinational forces for EU-led operations
- Recommendations to the EUMC
- Implementation of policies and decisions as directed by the EUMC.⁹

Incorporation of the Satellite Center (EUSC)

The Satellite Center, located in Torrejon, Spain, supports the EU and its member states by providing data gained by the analysis of earth observation satellite imagery. This way the EU decision makers have access to highly current

⁷ Jean-Yves Haine, "ESDP: an overview," Institute for Security Studies, <http://www.iss-eu.org/esdp/01-jyh.pdf> (accessed Apr. 21, 2005)

⁸ Rainer Feist (Admiral, ret.), e-mail to the author, Nov. 7, 2004

⁹ Jean-Yves Haine, "ESDP: an overview," Institute for Security Studies, <http://www.iss-eu.org/esdp/01-jyh.pdf> (accessed Apr. 21, 2005)

information that may help them to carry out appropriate measures to keep risks under control before they might escalate. The EUSC concentrates its support on the following areas: ¹⁰

- General security surveillance
- Petersberg missions
- Treaty verification
- Arms and proliferation control
- Maritime surveillance
- Environmental monitoring

Stating the Helsinki Headline Goal

The Helsinki Headline Goal (HHG) defined the military capabilities needed to conduct Petersberg missions where NATO as a whole is not engaged. The specific goal was to be able, by the end of 2003, to deploy 60,000 troops within 60 days and to sustain them for at least one year. The idea was not to create standing EU forces. The goal was to establish a pool of national military capabilities on which the EU could draw in support of Petersberg missions.¹¹ A key feature of the HHG was the voluntary character of the member states' commitments and contributions.

After Helsinki the ESDP was continuously further developed. In the European Council in Santa Maria da Feira in June 2000, the EU candidate countries and the non-EU NATO members were encouraged to contribute to strengthening the EU's capability to take on military crisis management missions. Furthermore, the EU member states committed themselves to improving the EU's capability for civil crisis management. They decided on an action plan covering the areas of police cooperation, rule of law, civilian administration, and civil protection. By 2003, a pool of 5000 policemen, 200 judges, prosecutors, and other experts were to have been established. Out of the pool, assessment teams

¹⁰ The European Union Satellite Center, "Mission of the European Union Satellite Center," http://www.eusc.org/html/centre_mission.html (accessed Apr. 21, 2005)

¹¹ Burkard Schmitt, "European Capabilities: How Many Divisions?" in *EU Security and Defense Policy*, <http://www.iss-eu.org/books/5esdpen.pdf> (accessed Apr. 21, 2005)

and intervention teams could be dispatched for deployment on short notice. The teams would assist humanitarian actors through emergency operations.¹²

In parallel, the relationship to NATO was clarified. Both parties agreed to close cooperation in questions of security and defense and that unnecessary duplication of effort had to be avoided. Instead of creating new structures, NATO and the EU tried to find solutions that allowed the EU access to NATO's assets and planning and command capabilities. To ensure a complementary and mutually supportive development and improvement of military capabilities, both organizations agreed to establish appropriate consultation and information mechanisms.¹³

To implement the HHG the member states created the so-called Headline Goal Task Force, consisting of national defense planning experts. This task force created a catalogue that transformed the objectives decided in Helsinki into concrete forces and specific capabilities. The experts concentrated on four scenarios and outlined 144 capabilities under seven categories.¹⁴ The outcome was finalised in the so-called Helsinki Headline Catalogue (HHC).

At the Capabilities Commitment Conference in Brussels in November 2000 the member states specified the assets that they were able to contribute to fulfil the requirements of the HHG criteria. The result was recorded in the Helsinki Force Catalogue (HFC). At this time the EU had more than 100,000 persons, 400 combat aircraft, and about 100 naval vessels at its disposal. The HHG was thus matched quantitatively, but the HFC expressed also that there was a strong need for qualitative improvements.

In Nice in December 2000 the members agreed to establish a review mechanism that would include the evaluation and revision of the EU capability

¹² Burkard Schmitt, "European Capabilities: How Many Divisions?" in *EU Security and Defense Policy*, <http://www.iss-eu.org/books/5esdpen.pdf> (accessed Apr. 21, 2005)

¹³ Ibid.

¹⁴ 1. Command, Control, Communications and Intelligence(C3I) 2. Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) 3. Deployability and Mobility 4. Effective Engagement 5. Protection and Survivability 6. Sustainability and Logistics 7. General Support

goals, the monitoring of the HFC, and the identification and harmonization of national contributions. The review mechanism led to a new HHC and the national contributions were refined.¹⁵

3. Findings

The agreements and outcomes of the Councils in Cologne, Helsinki, Feira, and Nice showed the will of the EU to develop autonomous capabilities and capacities to make decisions and to take on military operations in response to international crises. The EU had taken its first steps toward becoming a serious player on the international political and military stage. With the incorporation of the EUSC, the definition of the HHG, and the development of subsequent concepts and mechanisms, the EU had entered a phase of capability building.¹⁶

With the creation of the High Representative the EU finally fulfilled Henry Kissinger's demand to "establish a phone number for Europe." Javier Solana is an extraordinarily experienced and highly accepted politician. His experience as Secretary-General of NATO is not only very valuable for the position of the High Representative, but also for his work as the Secretary-General of the Council. His understanding and perceptions of NATO have been and will continue to be a great benefit for cooperation between the two organizations.

The PSC, the EUMC, and the EUMS represent a framework of institutions that is strongly comparable to the proven institutional framework of NATO. These institutions constitute the cornerstone for a successful cooperation between NATO and the EU. Although the regular meetings between the PSC and the NAC on the one hand, and the EUMC and the NATO MC on the other hand, so far only serve the purpose of exchanging information, they demonstrate the firm willingness on both sides for coordination in the areas of security and defense issues. The effectiveness of this cooperation on the institutional level could be improved in the future by stepping beyond the level of pure information

¹⁵ Burkard Schmitt, "European Capabilities: How Many Divisions?" in *EU Security and Defense Policy*, <http://www.iss-eu.org/books/5esdpen.pdf> (accessed Apr. 21, 2005)

¹⁶ Martin Ortega, "Beyond Petersberg: Missions For the EU Military Forces" in *EU Security and Defense Policy*, <http://www.iss-eu.org/books/5esdpen.pdf> (accessed Apr. 21, 2005)

exchange. Both organizations often face the same problems. Consequently, the meetings should be used to develop common positions to face common challenges.¹⁷

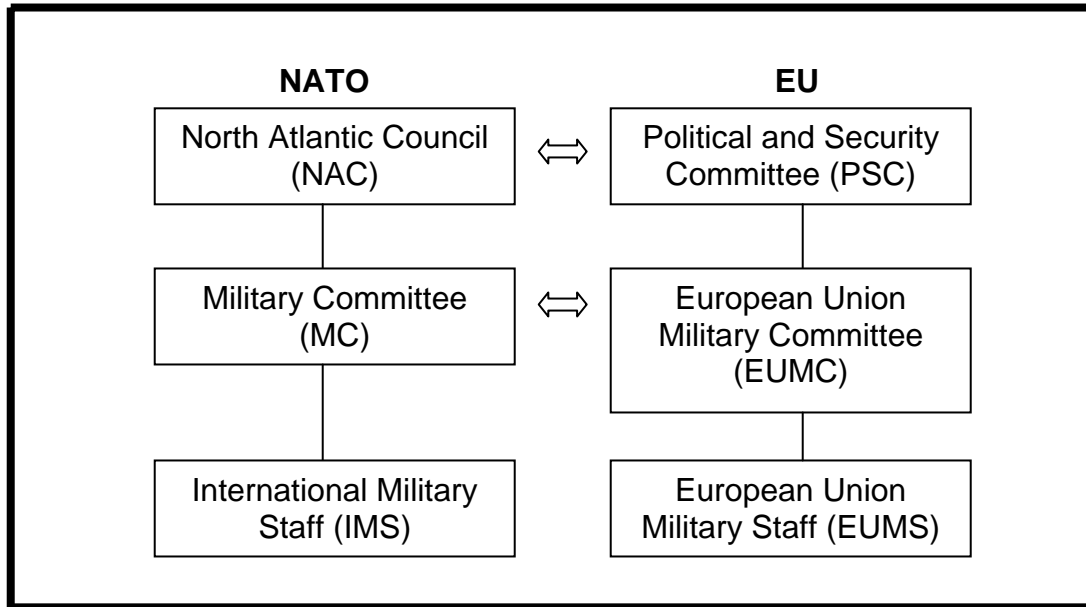


Figure 1. NATO's and the EU's Political-Military Framework

In any case, the structure of the EU security institutions forms a solid basis for EU-led military operations under political control and with far-reaching military expertise. By December 2000 the EU had given birth to its own European Security and Defense Policy as part of its overarching Common Foreign and Security Policy. It had developed the willingness to take on military missions and had created functioning security and defense institutions. Furthermore, it had developed an awareness of the necessity for improvement of its military capabilities. This positive process would be continued and intensified after Nice.

¹⁷ Rainer Feist (Admiral, ret., Deputy Supreme Allied Commander Europe (DSACEUR) from 18 Sep 2002 - 30 Sep 2004), e-mail to the author, Jan. 5, 2005

B. THE CONTINUOUS IMPROVEMENT AFTER NICE

1. The Military Capabilities

a. The European Capabilities Action Plan

Although the Helsinki Headline Goal was already reached quantitatively at the end of 2000, a closer assessment of the Force and Headline Catalogues revealed substantial shortfalls in qualitative capabilities. The member states took this development into account and had their first Capability Improvement Conference in Brussels in November 2001. To address the capability shortfalls the ministers agreed on a European Capability Action Plan (ECAP) that is based on four principles.

First, military cooperation among the member states or groups of members should be optimized by improving the effectiveness and efficiency of European military capability efforts. Second, the member states' commitments would be on a voluntary basis. Third, the process would consider a close coordination and cooperation among not only the member states but also with NATO in order to address the specific shortfalls, to avoid unnecessary duplications, and to ensure transparency and consistency with NATO. Fourth, the ECAP would be transparent and visible so that it would get the support of the public of the member states.¹⁸

The analysis of the first phase of the ECAP process was summed up in a report that was presented to the member states on 1 March 2003. The report addressed various categories of shortfalls and developed options to rectify them. Some deficits could be reduced by simple revisions of national contributions others were more severe and needed the development of long-term solutions. The result of the report was a second phase of the ECAP process that was initiated at the second Capability Conference on 17 March 2003. This time the shortfalls were tackled by creating groups that would focus on the implementation of concrete projects. One lead nation was assigned to each group and was consequently responsible for the development of options and solutions in regard to a specific issue.

¹⁸ Burkard Schmitt, "European Capabilities: How Many Divisions?" in *EU Security and Defense Policy*, <http://www.iss-eu.org/books/5esdpen.pdf> (accessed Apr. 21, 2005)

The second phase of the ECAP process is ongoing, and although appreciable achievements have been made, considerable shortfalls in numerous military key areas have been identified as well:

Deployability

The EU is not able to deploy more than 10-15% of its approximately 1.8 million soldiers for missions abroad, primarily because the majority of the member-state forces are still structured to face Cold War challenges.

Mobility

The EU does not yet have the strategic transport capability that is needed to bring its personnel and material to distant locations. Efforts have been made to create a strategic sealift capability and some progress has occurred in this field, but the EU still lacks a strategic airlift component. The A 400 project is on its way, but for the foreseeable future the EU will depend on commercial options like leasing or chartering.

Sustainability

The lack of strategic transport capability also affects the sustainability of troops once they have been deployed. The farther away they are from Europe the bigger the challenge will be to support them logistically and medically. Furthermore, the small number of deployable soldiers will also limit their sustainability.

Effective Engagement

Because the forces of the member states have not yet completed a transformation from the Cold War to the challenges of the twenty-first century, they lack the capability for modern warfare. The EU is short of sophisticated precision-guided weapons, offensive electronic warfare, suppression of enemy air defense, and so on.

C4ISR (Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance)

Although some capabilities exist in some member states, there generally is a major shortfall in this key area of modern warfare. There is no common standard technology among the EU members, resulting in a lack of interoperability that significantly decreases the effectiveness of the EU armed forces.¹⁹

The assessment that resulted from the ECAP process demonstrated that the EU's military capabilities and the Headline Goal that was set in Helsinki did not do justice to the new, more unconventional threats. The HHG was strongly influenced by the war in Kosovo; it needed to be adjusted according to the results of the ECAP process and to tackle the identified shortfalls.

b. The Headline Goal 2010

While the HHG was focused more on the quantitative dimension, the Headline Goal 2010 that was endorsed by the June 2004 European Council emphasizes qualitative aspects. By doing so, it reflects not only the results of the ECAP process, but also the evolution of the strategic environment and of technology.²⁰ In addition to its focus on improving interoperability, deployability, mobility, and sustainability, the Headline Goal 2010 stresses the need for additional elements of pooling and possibilities for sharing. The Council of the European Union emphasizes that

This approach requires Member States to voluntarily transform their forces by progressively developing a high degree of interoperability, both at technical, procedural and conceptual levels. Without prejudice to the prerogatives of Member States over defense matters, a coordinated and coherent development of equipment compatibility, procedures, concepts, command arrangements and defense planning is a primary objective. In this regard, commonality of security culture should also be promoted. Deployability,

¹⁹ Burkard Schmitt, "European Capabilities: How Many Divisions?" in *EU Security and Defense Policy*, <http://www.iss-eu.org/books/5esdpen.pdf> (accessed Apr. 21, 2005)

²⁰ The Council of the European Union, Document 6309/6/04, A 2, <http://register.consilium.eu.int/pdf/en/04/st06/st06309-re06.en04.pdf> (accessed Apr. 21, 2005)

sustainability and other crucial requirements such as force availability, information superiority, engagement effectiveness and survivability will play an immediate pivotal role.²¹

In general, the Headline Goal 2010 takes a broader approach to crisis management tasks. While considering joint disarmament operations, the support for third countries in combating terrorism, and security sector reforms, it steps beyond the spectrum of crisis management operations covered by the Treaty on the European Union.²² As a result of the assessment, the member states identified a list of milestones that should be achieved within the 2010 horizon:²³

- Establishment of a civil-military cell within the EUMS. This cell will have the capacity to set up an operation center for a particular operation
- Establishment of a European Defense Agency that will act in the field of defense capability development, research, and acquisition
- Implementation of EU Strategic lift joint coordination to achieve the necessary capacity and efficiency in strategic air, sea, and land lift
- Development of a European Airlift Command
- Development of rapidly deployable battle groups including the appropriate assets for strategic lift, sustainability, and debarkation
- Availability of an aircraft carrier including an air wing and escorts
- Improvement of performance at all levels of EU operations through appropriate compatibility and network linkage of all communications equipment and assets, terrestrial and space-based
- Development of quantitative benchmarks and criteria that national forces declared to the Headline Goal have to meet in the field of deployability and multinational training

²¹ The Council of the European Union, Document 6309/6/04, A 2, B 8
<http://register.consilium.eu.int/pdf/en/04/st06/st06309-re06.en04.pdf> (accessed Apr. 21, 2005)

²² The Council of the European Union, Document 6309/6/04, A 2,
<http://register.consilium.eu.int/pdf/en/04/st06/st06309-re06.en04.pdf> (accessed Apr. 21, 2005)

²³ Ibid. A 5

2. The 2003 “Berlin-Plus” Arrangement

The development of the European Security and Defense Policy has continuously considered close cooperation and coordination with NATO. One major aim has always been to avoid unnecessary duplications and decoupling. Consequently, with the help of consultations and transparency, the EU and NATO have been successful in creating an established and deep-rooted strategic partnership. One major result of this partnership is the Berlin-Plus arrangement that was finally concluded by the EU and NATO’s Secretary General on 17 March 2003. The term “Berlin-Plus” stands for a comprehensive package of agreements between NATO and the EU, based on the conclusions of the Washington Summit in April 1999. The package consists of three main elements that can be combined and that are directly connected to operations. It allows NATO to support EU-led crisis management operations in which the Alliance as a whole is not engaged militarily.²⁴

On the one hand, the EU has access to NATO planning. This may be a simple NATO contribution to the work carried out by the EUMS in the early stages before it is even clear if an operation will actually take place at all. Should there be an operation that is supported by NATO assets and capabilities, the required operational planning will be provided by NATO.

On the other hand, the EU can request the use of NATO assets and capabilities. In case the EU in consultation with NATO decides to use NATO assets and capabilities in support to conduct a mission, NATO has established an initial list of assets and capabilities that would be available to the EU. The whole procedure includes financial and legal considerations and also possible scenarios that might make the recall of assets necessary, e.g., the emergence of a NATO Article 5 contingency.

Finally, in case of an EU-led military operation NATO headquarters can be made available to the EU. The EU Operational Headquarters (EU OHQ) would be established at the Supreme Headquarters Allied Powers Europe (SHAPE) and the Deputy Supreme Allied Commander Europe (DSACEUR) becomes the EU

²⁴ NATO, “NATO-EU Cooperation Taken To A New Level,” <http://www.nato.int/docu/update/2003/03-march/e0317a.htm> (accessed Apr. 21, 2005)

Operation Commander (EU OPCDR). Subsequent elements in the chain of command could be provided either by NATO or by single EU member states. In any case, the EU will remain the responsible actor.²⁵

3. The 2003 European Security Strategy

The evolution of the strategic environment and the new security challenges of the new century not only forced the EU to improve their military capabilities, but also pressured the member states to think about the development of strategic documents. In May 2003 Javier Solana was tasked to produce a paper that would reflect the European mindset and perception of the current security challenges. His paper “A Secure Europe in a Better World” was accepted by the member states in June 2003 and finally endorsed by the European Council in December 2003 as the European Security Strategy (ESS).

The document identifies five key threats to Europe’s security: terrorism, proliferation of weapons of mass destruction (WMD), regional conflicts, state failure, and organized crime. Out of those threats three strategic objectives are derived:²⁶

1. *Addressing the threats:* the ESS stresses that it needs all areas of policy, including the deployment of military means, to accomplish this objective. It underlines that the first line of defense will often be abroad.
2. *Building security in the EU’s neighbourhood:* this includes consolidation in the Balkans, strengthening cooperation with Mediterranean partners, extension of the benefits of economic and political cooperation to neighbors in the East, and, of particular strategic importance, solving the Arab/Israeli conflict.

²⁵ The Council of the European Union, “EU-NATO: The Framework for Permanent Relations and Berlin-Plus,” <http://ue.eu.int/uedocs/cmsUpload/03-11-11%20Berlin%20Plus%20press%20note%20BL.pdf> (accessed Apr. 21, 2005)

²⁶ The Council of the European Union, “European Security Strategy,” <http://ue.eu.int/uedocs/cmsUpload/78367.pdf> (accessed Apr. 21, 2005)

3. *An international order based on effective multilateralism:* to accomplish this third objective, it is necessary to strengthen the multilateral structures (e.g., Organization for Security and Cooperation in Europe, OSCE), the transatlantic relationship, the cooperation with NATO, the relevance and possibilities of the UN, and the instruments for a preventive security policy.

The ESS demands that the EU, based on the progress it has made, has to become more active, more capable, and more coherent. It underlines a need for the development of a strategic culture that also includes early, rapid, and, when necessary, robust intervention. With increasing capabilities the EU should think in terms of a wider spectrum of missions, widening the scope of the Petersberg declaration. Finally the strategy stresses international cooperation, particularly the need for a strong partnership with the United States.²⁷

In sum, by endorsing a strategy that considers military intervention in the sense of Chapter VII of the UN Charter, the EU moves away from a rather careful and reserved understanding of the deployment of military means for crisis management.

4. Findings

After Nice the EU did not rest on its previous achievements. Although the first phase after St. Malo had already brought significant progress with the establishment of important institutions, a self-evident continuation of this positive development was not taken for granted. Continuous assessments disclosed weaknesses that were promptly tackled by countermeasures. The ECAP demonstrates the will of the EU to improve its military capabilities. Although some progress has been achieved, the existing shortfalls in the fields of deployability, mobility, sustainability, effective engagement, and C4ISR will limit the EU to low- and medium-intensity conflicts in the area of peacekeeping for years to come.

²⁷ The Council of the European Union, "European Security Strategy," <http://ue.eu.int/uedocs/cmsUpload/78367.pdf> (accessed Apr. 21, 2005)

However, the publication of the ESS and the formulation of the Headline Goal 2010 demonstrate the awareness of the EU that it will have to continue to improve its capabilities and to widen its scope to be able to fulfill its responsibility as a world-class political and military player. The Headline Goal clearly tackles the shortfalls that were disclosed during the ECAP process. A functioning Defense Agency, an Airlift Command, strategic lift components, flexible and rapidly deployable battle groups, an aircraft carrier, and appropriate network linkages will increase the EU's military capabilities enormously. If the EU is successful in achieving its goals, it will probably reach operational capability across the full range of the Petersberg tasks by 2010. The success of this undertaking strongly depends on the will of the member states to contribute voluntarily. Positive tendencies can already be identified: in November 2004 the EU defense ministers decided to create 13 battle groups by 2007. While France, Italy, Spain and Great Britain will form their own groups, the other nine will consist of multinational contributions.²⁸ Furthermore, the European Defense Agency has already been established and started to work.²⁹

The EU's progress was not limited to just internal achievements. While the establishment of the PSC, the EUMC, and the EUMS created the basis for cooperation and coordination with NATO, the Berlin-Plus arrangement was truly a milestone for the EU to become operational. While working on the improvement of its own capabilities, the EU had always tried to avoid duplications of and decoupling from NATO. Now, Berlin-Plus opens the possibility to use NATO's integrated military command structure, its assets, and its planning. This achievement not only saves unnecessary financial efforts on the side of the EU, but also, and of particular importance, it intensifies the cooperation and the bonds between the two organizations. A challenge that might arise when Berlin-Plus is put into practice comes from the fact that the two organizations consist of different member states. The United States, Canada, Bulgaria, Romania, Iceland,

²⁸EU Observer, "EU Defense Ministers finalize Battle Groups," <http://www.euobserver.com/?aid=17822> (accessed Apr. 21, 2005)

²⁹ The Council of the European Union, "Second Meeting of the European Defense Agency's Steering Board," <http://ue.eu.int/uedocs/cmsUpload/82764.pdf> (accessed Apr. 21, 2005)

Norway, and Turkey are members of NATO, but not of the EU. On the other hand, Sweden, Finland, Austria, and Ireland are members of the EU, but not of NATO. For future EU-led operations it will be very important to ensure the full transparency for all those countries. Without denying existing deficits and weaknesses, the development and improvement of the ESDP and the results that have been achieved in a comparatively short period of time prove the strong will of the EU to face and to overcome existing and future challenges.

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III. THE OPERATION “CONCORDIA” IN MACEDONIA

A. BACKGROUND

The instability in Macedonia in 2001 arose from ethnic conflicts between the generally Slavonic Macedonian population and Albanian minorities. Those conflicts escalated in open fights between Macedonian government troops and ethnic Albanian extremists, most of them organized in the National Liberation Army (NLA). Just after those fights had come to an end in June 2001, the President of Macedonia requested NATO assistance for his government in demilitarizing the NLA and all other Albanian extremists.³⁰ After both conflict parties had agreed on a framework agreement for peace and stability, signed in the city of Ohrid on 13 August 2001,³¹ NATO launched its operation “Essential Harvest” on 22 August 2001. The 30-day operation was conducted by a task force consisting of approximately 3,500 soldiers, equipped with the appropriate command and control structure, support troops, helicopter lift, and force protection capability. The goal was to collect and destroy weapons and ammunition from the Albanian extremists.³²

“Essential Harvest” was replaced by operation “Amber Fox” on 27 September 2001. Again, a task force was created, this time consisting of approximately 1,000 troops, mandated to protect the international monitors from the EU and the OSCE and to guarantee the implementation of the Ohrid Framework Agreement. Initially the mission was limited for three months. However it was finally extended until 15 December 2002.³³

After the peaceful elections in autumn 2002 the president of Macedonia asked NATO for further presence and support in his country. Consequently,

³⁰ NATO, “Skopje requests NATO assistance,” <http://www.nato.int/docu/update/2001/0618/e0620a.htm> (accessed Apr. 21, 2005)

³¹ Council of Europe, “The Ohrid Agreement,” http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Police_and_internal_security/Police_cooperation/OHRID%20Agreement%2013august2001.asp (accessed Apr. 21, 2005)

³² NATO, “Operation Essential Harvest,” <http://www.nato.int/fyrom/tfh/home.htm> (accessed Apr. 21, 2005)

³³ NATO, “Operation Amber Fox,” <http://www.nato.int/fyrom/tff/home.htm> (accessed Apr. 21, 2005)

NATO agreed on a successor mission for “Amber Fox”. The operation “Allied Harmony”, consisting of approximately 450 troops, started on 16 December 2002 and like “Amber Fox”, its task was to ensure support for the implementation of the Ohrid Framework Agreement, with the help of liaison and monitoring operations, and to assist the Macedonian government in taking responsibility for the country’s security by providing comprehensive military advice.³⁴

The EU had already signaled in June 2002 that it would be willing to take over responsibility for a military mission in Macedonia. However, the NATO member states Greece and Turkey had severe concerns about how NATO assets could be used by the EU. It finally needed the Berlin-Plus arrangement to clear the way for the EU to take over its very first military mission on 31 March 2003, operation “Concordia”, which lasted until 15 December 2003.³⁵

B. OBJECTIVES

The different reactions of European countries to the U.S. plans for a war against Iraq revealed the significant differences in mindsets and perceptions among the member states. While Great Britain, Spain, and Italy generally supported a strike against Iraq, the other two big players inside the EU, Germany and France, were strongly opposed to a military intervention. This not only created a rift between some strong European countries and the United States that endangered the coherence of NATO, but also the obvious lack of common thinking by the EU member states about this critical topic put the whole ESDP in question. The progress made since St. Malo had been very dynamical and successful, but the different attitudes toward the war against Iraq gave birth to serious doubts whether the EU will be able to actually act unitarily in the field of security and defense policy.³⁶ Consequently, one of the political objectives of Concordia was not only to test the created structures and instruments

³⁴ NATO Allied Joint Force Command Naples, “Allied Harmony,” <http://www.afsouth.nato.int/nhqs/missions/alliedHarmony/alliedHarmony%20Mission.htm> (accessed Apr. 21, 2005)

³⁵ Jean-Yves Haine, “Berlin-Plus,” Institute for Security Studies, <http://www.iss-eu.org/esdp/03-jyhb%2B.pdf> (accessed Apr. 21, 2005)

³⁶ Philip H. Gordon and Jeremy Shapiro, *Allies at War* (New York: McGraw-Hill, 2004), 2

successfully, particularly the Berlin-Plus arrangement, but also to demonstrate that the member states were actually able to act together in a crisis on European ground and that the freshly developed ESDP was not just a paper tiger but a credible policy. The operation would make clear that the EU is willing to take on political responsibility.³⁷

Concordia's main military-strategic objective was to contribute to the stabilization of the situation in Macedonia in order to guarantee the continuous implementation of the Ohrid Framework Agreement. The EU forces were tasked to ensure the establishment of a secure and stable environment by a small-scale military presence and by supporting the Macedonian government.

As derived from these strategic objectives, the EU's primary military objectives were the provision of a visible military presence, particularly in areas of potential instability and ethnic tension, and the maintenance situation awareness for its own forces. Additionally, close contact and cooperation with local authorities and inhabitants and other international organizations had to be established and maintained, particularly in affairs concerning significant activities in potentially unstable areas. Finally, the international-community monitors were to be supported and protected in order to ensure the implementation of the Ohrid Framework Agreement.³⁸

While the EU would take over the operational responsibility from NATO, the latter organization would maintained its headquarters in Macedonia and establish a NATO Advisory Team that was tasked to advise the Macedonian government on the reform of their military forces and on all matters with regard to the program Partnership for Peace (PfP). Furthermore, the NATO headquarters in Skopje had to fulfill logistic tasks for the support of the Kosovo Force (KFOR).

³⁷ Rebecca Jovin, "Die Bedeutung der EU Mission Concordia fuer die ESDP," Deutsche Gesellschaft fuer auswärtige Politik e.V., <http://www.weltpolitik.net/Sachgebiete/Internationale%20Sicherheitspolitik/GASP/Grundlagen/Die%20Bedeutung%20der%20EU%20Mission%20%22Concordia%22%20in%20Mazedonien%20f%20FCr%20die%20ESVP.html> (accessed Apr. 21, 2005)

³⁸ Delegation of the European Commission to the Former Yugoslav Republic of Macedonia, "EUFOR Mission, " <http://www.delmkd.cec.eu.int/en/Concordia/mission.htm> (accessed Apr. 21, 2005)

C. RISK ASSESSMENT

One requirement of the Ohrid Framework Agreement was that a census be conducted in Macedonia under international supervision in 2002. The census shows a 64.18% majority of Macedonians and 25.17% Albanians. The rest of the population consists mainly of Turks, Roma and Serbs.³⁹

Although there was little genuine inter ethnic hatred between the ethnic Albanians and the ethnic Macedonians, a huge social gap between the respective communities was obvious, especially in educational issues. In some areas the minority groups were pressured by the majority residents in an attempt to force them out or to prevent members of a minority group to return. But those incidences were so rare that they could not realistically be called ethnic cleansing. However, the rather complicated and sensitive political circumstances between the two major ethnic groups had caused the implementation of the Ohrid Framework Agreement to fall behind the planned schedule. The existing mistrust between the ethnic Albanians and the ethnic Macedonians was still too strong to more quickly implement the Ohrid Framework Agreement. Though this development was criticized by international, and, more particularly, domestic groups, an unnecessary and premature acceleration of the process could have significantly damaged previous achievements.

A Macedonian police force was successfully established but, particularly in the former crisis area, the domestic police were often threatened by organized crime when they started investigations to stem illegal activities. The local police had not achieved the capability to fight against criminal organizations. That negative situation was complicated further by the population's lack of confidence in their police force, especially when the officers did not belong to their own ethnic group.⁴⁰

Corruption, even among politicians, was widespread. Particularly on the ethnic Albanian side there were many officials who were very closely linked to criminal organizations. However, because of the overriding influence of the

³⁹ US Department of State, "Background Note: Macedonia," <http://www.state.gov/r/pa/ei/bgn/26759.htm> (accessed Apr. 21, 2005)

⁴⁰ Document consulted by the author.

Albanian clan system and the lack of state authority, the ordinary population was frightened to report irregularities. Thus criminal groups exploited the state's weakness and benefited largely from the situation. Although organized crime was the main threat to Macedonia's security, a military response could have had a negative effect and might have led to an unnecessary escalation of the still fragile domestic situation.⁴¹

D. COMMAND AND CONTROL STRUCTURE

1. NATO's Command and Control Structure

The Berlin-Plus arrangement opened the way for the EU to get access to NATO's approved command and control structures. NATO has two main military commands. The first is the Allied Command Transformation (ACT), located in Norfolk, Virginia. The second is the Supreme Headquarters Allied Powers Europe (SHAPE) in Mons, Belgium. SHAPE is the headquarters of the Allied Command Operations (ACO), which is commanded by the Supreme Allied Commander Europe (SACEUR), a U.S. flag or general officer. Until the end of September 2004, the position of the DSACEUR was taken rotationally by a German or British flag or general officer. However, because Germany abstained from the position from 1 October 2004 on, German Admiral Rainer Feist turned over the command to British General Sir John Reith on 30 September 2004. In exchange, Germany got the position of Chief of Staff (COS).⁴²

The ACO has three standing subordinate commands: the Allied Joint Force Command (JFC) Naples, in Italy, the Allied JFC Brunssum, in Holland, and a smaller Joint Headquarters (JHQ) in Lisbon, Portugal. Each JFC is supported by three standing component commands, specializing in land, air, and maritime operations. In addition, each JFC commands temporary headquarters in case of

⁴¹ Document consulted by the author.

⁴² NATO Supreme Headquarters Allied Powers Europe, <http://www.nato.int/shape/> (accessed Apr. 21, 2005)

NATO operations in its area of responsibility. Consequently, the JFC Naples has subordinate headquarters in Skopje, Macedonia, Tirana, Albania and Sarajevo, Bosnia.⁴³

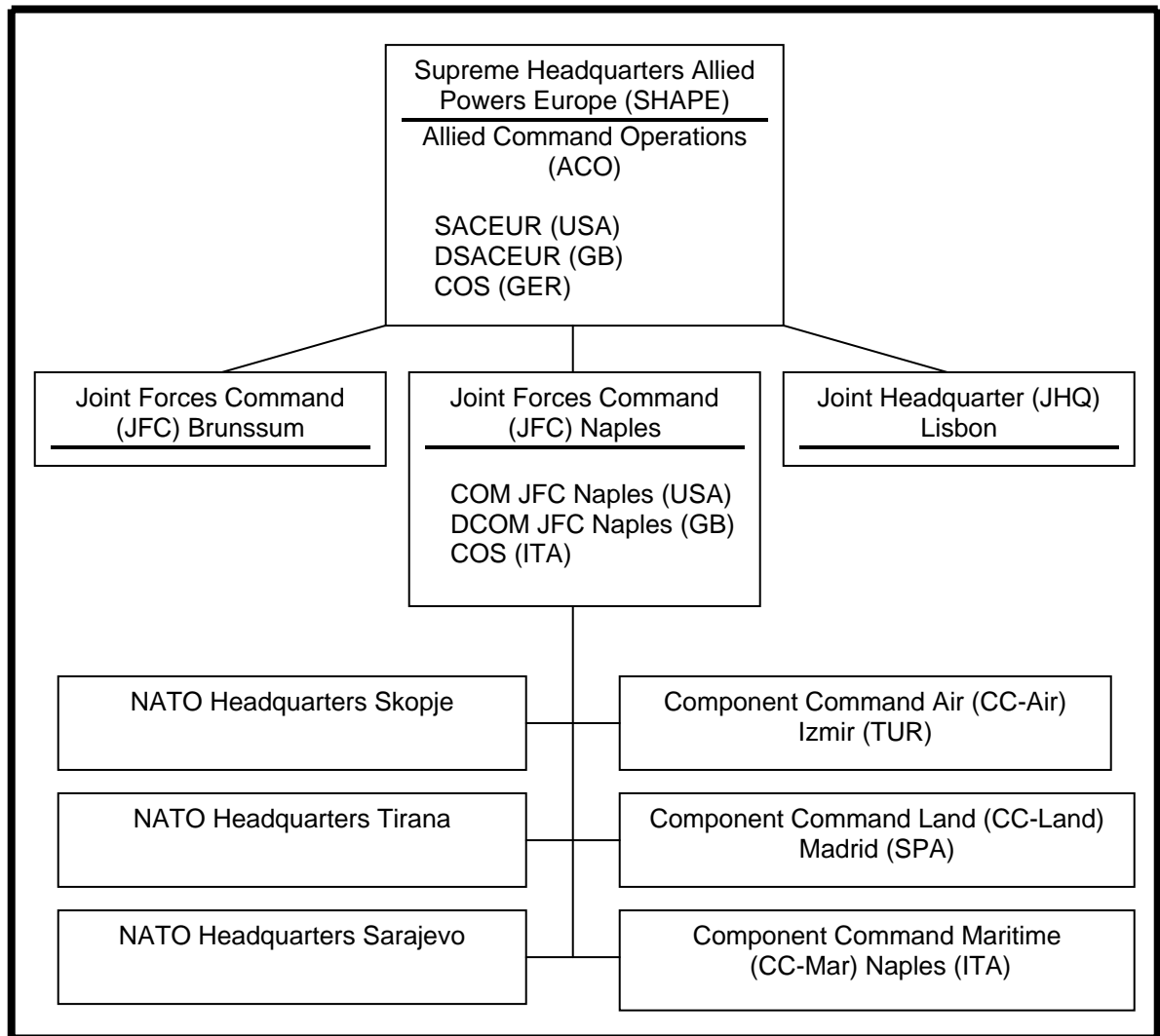


Figure 2. NATO's "European" Command and Control Structure (Apr. 2005)

⁴³ NATO Allied Joint Force Command Naples, <http://www.afsouth.nato.int/> (accessed Apr. 21, 2005)

2. CONCORDIA's Command and Control Structure

There was a broad consensus among the EU and NATO members to use NATO's command and control structure for Concordia. Consequently, SHAPE became the Strategic Command and EU Operation Headquarters (EU OHQ). The DSACEUR at this time, German Admiral Rainer Feist, was designated EU Operation Commander (EU OPCDR) in February 2003. He formed his OHQ to support him and, at the strategic level, to provide command, control, planning and coordination of the operation with recourse to NATO assets and capabilities. The SHAPE Operations Division took over the lead and the Assistant Director of Operations was appointed EU Director of Operations. Due to the short timeframe available, the transfer of authority was supposed to take place at the end of March 2003, but the EU decided to shortcut the Operational Planning Process (OPP) by omitting the development of the Concept of Operations (CONOPS). Moreover, other concepts like the Standard Operating Procedures (SOP) had to stay generic and did not cover all the necessary details important in a planning process.⁴⁴ Additionally, there was no EU Status of Forces Agreement (SOFA's), but with the approval of all actors, the EU could use the existing NATO SOFA for Concordia.⁴⁵

There was also a need to integrate the EU member states that were not NATO members into SHAPE to ensure full transparency. Three weeks before the start of the operation, this was achieved by integrating an EU Staff Group (EUSG) under the command of a Swedish naval captain into the Strategic Direction Center, the strategic core element of the headquarters. The EUSG consisted of officers representing eight countries, including three EU non-NATO countries. Some of the EUSG staff officers were "double-hatted", that is, they had to fulfill their tasks as SHAPE staff members as well.⁴⁶

Because of strict NATO security regulations, the EU non-NATO officers were initially not allowed to enter classified areas at SHAPE, so smooth operation

⁴⁴ Document consulted by author.

⁴⁵ Rainer Feist, (Admiral, ret.) e-mail to the author, Jan. 6, 2005

⁴⁶ Rainer Feist (Admiral, ret.), e-mail to the author, Oct. 30, 2004

was initially hampered. The handling and exchange of information was finally worked out due to practicable regulations and the goodwill and open-mindedness of key actors.⁴⁷

To maintain a NATO liaison at the EU, a SHAPE staff officer was designated as the DSACEUR liaison and sent to the EUMS. This happened on both an ad-hoc basis and on demand of the DSACEUR. The officer was linked to NATO's secure data-link system, so he had access to restricted material. However, his attendance at EU meetings was limited to those with Concordia related agendas.⁴⁸

It was a greater challenge to find a consensus with regard to the subsequent command level. The commander of the JFC Naples is always a U.S. admiral. When the EU and NATO had to decide about Concordia's command and control structure, the deputy commander of the JFC Naples was staffed by Turkey, a NATO, but not an EU member. Furthermore, the JFC Naples had to stay in the chain of command because this headquarters was responsible for all NATO missions in the Balkans. The out-rooting of the JFC made NATO's support for the EU-led operation in Macedonia more than difficult; it was nearly impossible for the EU to get access to NATO's operational reserves in the Balkans. While the strategic reserves are demanded, directed, and controlled by the SACEUR and DSACEUR, responsibility for the operational reserves lies with the commander of the JFC Naples.⁴⁹

The solution to this challenge was the establishment of an EU cell under the command of a European officer, as had been done in SHAPE. Consequently, one week before the start of the operation, a European Command Element (EUCE) was integrated into the JFC Regional Operation Center (ROC) and the Italian JFC COS became also the Head of EUCE. The EUCE staff was embedded into the ROC as an autonomous group under the direction of the ROC director.⁵⁰

⁴⁷ Rainer Feist (Admiral, ret.), e-mail to the author, Nov. 7, 2004

⁴⁸ Ibid.

⁴⁹ Rainer Feist (Admiral, ret.), e-mail to the author, Oct. 30, 2004

⁵⁰ Document consulted by author.

In Macedonia, a EU forces headquarters (EUFOR HQ) was established in the close vicinity of NATO's headquarters in Skopje. A collocation of the two HQs was not possible due to infrastructural reasons; however, they were in fact separated by only a street.⁵¹

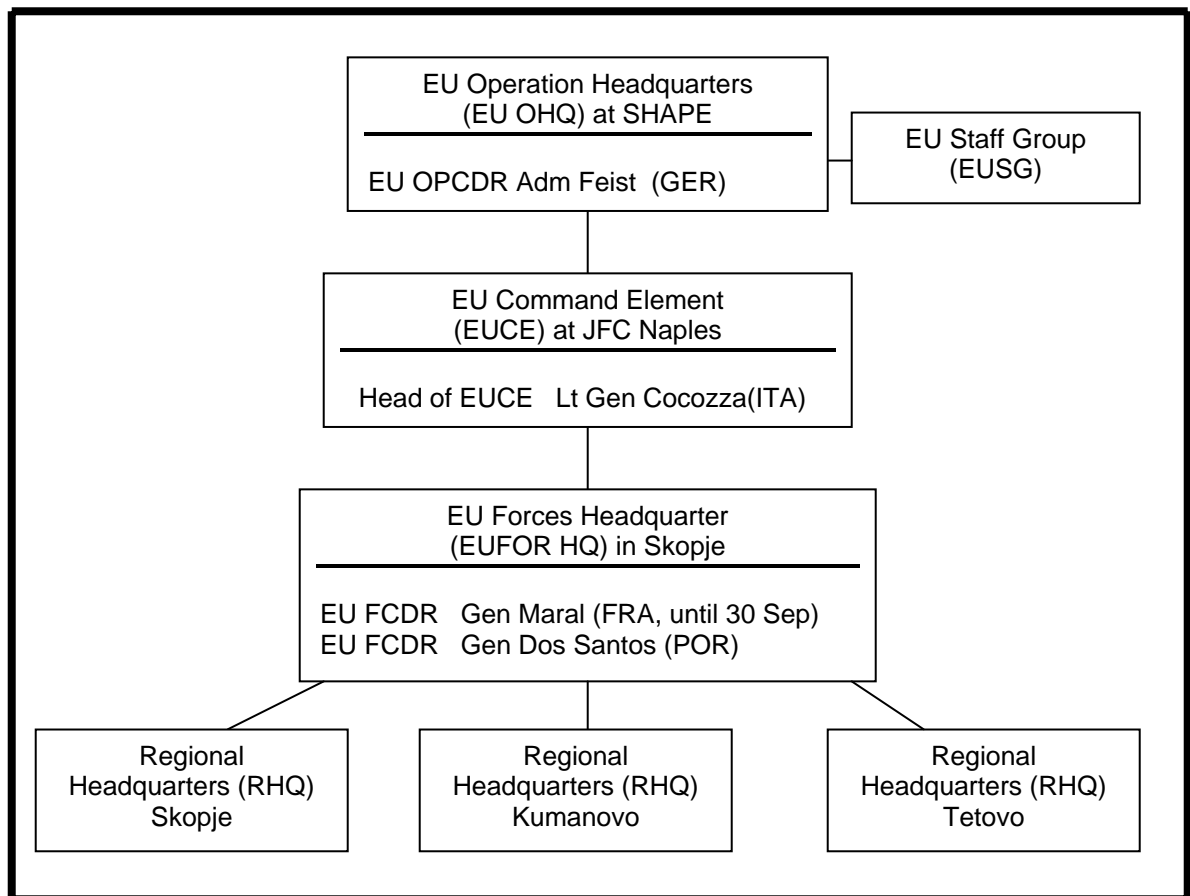


Figure 3. Concordia's Command and Control Structure

France, as the framework and lead nation, staffed the first EU Force Commander (EU FCDR). A French general was replaced by a Portuguese general on 1 October 2003. The EUFOR HQ had three subsequent regional

⁵¹ Rainer Feist (Admiral, ret.), e-mail to the author, Oct. 30, 2004

HQs, in Tetovo, Kumanovo, and Skopje, covering the Former Crisis Area (FCA) that had been divided into three sectors.⁵²

The OPCDR on the strategic level received a Weekly Situation Report and a Monthly Assessment Report from the FCDR through the COS EUCE. The necessary Command and Information System (CIS) support was provided by NATO. This way it ensured that all command levels were kept on an appropriate level of information. NATO also managed the EU's Mission Secret Wide Area Network and telephony in Macedonia. The communication and information flow on the EUFOR HQ level was ensured by France as the framework and lead nation. A French command support brigade formed the CIS element in the EUFOR HQ.⁵³

E. FORCE COMPOSITION

In keeping with the Berlin-Plus agreement, NATO made available a NATO European command option and allowed the EU access to NATO's planning facilities. Moreover, the agreement allowed the EU to use NATO assets and capabilities. To generate the appropriate and desired forces for Concordia the EU took advantage of NATO's proven force-generation process. The SDC at SHAPE provided the mechanisms and staff to fulfill the requests defined in the EU's statement of requirements. Most of the countries that had been taking part in NATO's mission "Allied Harmony" stayed in Macedonia to support Concordia as well.⁵⁴

The European forces consisted of approximately 400 soldiers from 26 different countries: thirteen EU members, six NATO non-EU nations, and seven non-EU non-NATO nations. Those personnel framed the following units next to the EUFOR HQ and the three RHQ:⁵⁵

⁵² Gustav Lindstroem, "On the Ground: ESDP Operations" in *EU Security and Defense Policy*, <http://www.iss-eu.org/books/5esdpen.pdf> (accessed Apr. 21, 2005)

⁵³ Document consulted by author.

⁵⁴ Ibid.

⁵⁵ Delegation of the European Commission to the Former Yugoslav Republic of Macedonia, "EUFOR Mission," <http://www.delmkd.cec.eu.int/en/Concordia/main.htm> (accessed Apr. 21, 2005)

- 22 Light Field Liaison Teams, provided by FRA, SPA, GER, AUT, POR, GRE, NOR, SWE, FIN, POL, and TUR
- 9 Heavy Field Liaison Teams, provided by FRA and ITA
- 1 Light Helicopter Detachment, provided by BEL
- 2 Explosive Ordnance Disposal teams, provided by ITA and AUT
- 1 field ambulance, provided by GRE and BEL
- 1 helicopter platoon on 12-hours notice, provided by GRE

Logistic support for the units was provided by their national support elements. To achieve the given mission objectives, the liaison teams were tasked to conduct presence and information-gathering patrols; area and route reconnaissance by helicopter, vehicles, or on foot; and surveillance of events and incidents, particularly in support of OSCE and the European Union Monitoring Mission (EUMM). The teams were accommodated in rented houses in residential areas of zones where disputes between the ethnic Albanians and Macedonians had been strongest. That ensured that the teams were living and moving among the local population. Access to all the houses was open, not secured by special measures like guards or fences. The close relation to the local population was deepened by several smaller civil military cooperation projects in villages in the FCA.⁵⁶

F. END OF MISSION

Concordia, the first ever EU military operation, ended 15 December 2003. A military presence in Macedonia was no longer necessary. Concordia was replaced by the EU police mission “Proxima” to deal with the evolving security situation in Macedonia.⁵⁷ During Concordia, the Berlin-Plus arrangement between the EU and NATO was put into practise for the very first time as well. Moreover, inside the country the EU stepped away from a strict military structure based on a regiment, battalion, company, and platoon. Instead, the

⁵⁶ Rainer Feist (Admiral, ret.), e-mail to the author, Nov. 12, 2004

⁵⁷ Delegation of the European Commission to the Former Yugoslav Republic of Macedonia, “EUFOR Mission,” <http://www.delmkd.cec.eu.int/en/Concordia/news.htm> (accessed Apr. 21, 2005)

establishment of liaison teams tasked to keep close contact and to create good relations with the local population, represented a rather unconventional approach. Although the “EU force has contributed decisively to an enhanced return of stability in Macedonia,”⁵⁸ many findings and lessons learned can be identified that must be taken into consideration by the EU when planning and executing future military operations.

G. FINDINGS AND LESSONS LEARNED

Certainly, Concordia was a small military operation and EU forces did not face a real military threat inside Macedonia. The main task was not to separate two combatants. Rather, the main challenge was to decrease the rift between two major ethnic groups inside the country so that the implementation of the Ohrid Framework Agreement could proceed peacefully and successfully. In addition, it was not the goal of the EU military forces to fight against organized crime inside the country. The military is neither trained for that, nor does it have the proper equipment. In fact, the use of military action against certain politicians and other persons known to be involved in criminal organizations could have had a counterproductive effect in stabilizing the internal situation.⁵⁹ The successor mission to Concordia, the police operation Proxima, concentrates exactly on that issue. Proxima's police experts were tasked to monitor, mentor, and advise the country's police, thus helping to fight organized crime as well as promoting European policing standards.⁶⁰

The military structure of the EU forces inside Macedonia turned out to be one key for the success of the EU's contribution to the return of stability in Macedonia. The creation of liaison teams and their accommodation in rented houses among the local population not only led to good relations with the population but also a quick and confidence-building effect. Wherever the teams

⁵⁸ NATO Allied Joint Force Command Naples, “The First EU Military Operation Is Over,” <http://www.afsouth.nato.int/factsheets/EU%20Command/ENDofConcordia%20factsheet.htm> (accessed Apr. 21, 2005)

⁵⁹ Document consulted by author.

⁶⁰ The Council of the European Union, “European Police Mission in Macedonia,” http://ue.eu.int/cms3_fo/showPage.asp?id=584&lang=EN (accessed Apr. 21, 2005)

showed up, they were welcomed by one of the ethnic groups. Indeed, the continuous presence of the liaison teams among the local population was the most effective way to reduce the tensions among the ethnic Albanians and the Macedonians.⁶¹

The lead-nation principle, when establishing the EUFOR HQ in Skopje, has also proven very effective. The role of France as the framework nation was one of the key factors, particularly during the initial phase of the mission. A French command support brigade's provision of the Communications and Information System (CIS) greatly facilitated the deployment of the HQ. However, besides the French CIS to ensure communication on the HQ level, the EU depended on NATO capabilities. Without NATO's CIS support the chain of command from the EUFOR HQ through the EUCE to the EU OHQ could neither have been maintained nor could the command levels have been provided with information in the necessary time and manner.⁶²

At the beginning of the operation, both the separation of the EU and the NATO headquarter in Skopje and a lack of existing regulations made the exchange of information and intelligence unnecessarily difficult. It finally worked, but this was largely due to an agreement signed at the HQ level and that depended on the goodwill of key actors. Moreover, there was no direct link between EUFOR and NATO's Kosovo Force (KFOR). Any coordination between the two forces had to be conducted through the NATO HQ in Skopje. Future operations will need clear regulations on how information and intelligence-sharing is to be conducted. The first step and an appropriate basic element could be the establishment of a common Intelligence Cell.⁶³

The integration of the EUCE into the JFC Naples was also a success. It was essential for the maintenance of the chain of command because it ensured the continuous flow of information from the EU OPCDR at SHAPE to the EU FCDR in Skopje. Additionally, it provided connectivity at the regional level to the

⁶¹Rainer Feist (Admiral, ret.), e-mail to the author, Nov. 12, 2004

⁶² Document consulted by author.

⁶³ Rainer Feist (Admiral, ret.), e-mail to the author, Nov. 7, 2004

Balkan joint area of operations and ensured transparency for participating non-NATO EU nations. However, the establishment of the EUCE should be done in a timely manner so that an appropriate training phase based on clear job descriptions can be conducted.⁶⁴

The establishment of the EU OHQ at SHAPE under the command of the DSACEUR was essential for the success of the operation because it gave the EU access to NATO capabilities and capacities to plan, direct, conduct, and sustain Concordia at the military strategic level.⁶⁵ As with the EUCE at the JFC level, the integration of the EUSG into SHAPE also ensured transparency between NATO and the EU. This transparency factor is of particular importance and needs to be taken into consideration in future EU-led operations using NATO assets and capabilities. However, due to a lack of security agreements between the two organizations, the EU staff officers of the EUSG were initially not granted access to NATO information related to the operation. Thus, future operations, both organizations must overcome their exaggerated bureaucracy and find pragmatic rules and regulations for operational cooperation. EU officers in the EU OHQ need full access to all information related to a EU-led operation right from the beginning of the planning phase.⁶⁶ Moreover, the number of “double-hatted” officers in the EUSG resulted in a substantially increased workload and sometimes a clash of interests in some branches of SHAPE. Consequently, this concept should be reviewed and rechecked before it is used for future operations.⁶⁷

The ad hoc establishment of the DSACEUR liaison at the EUMS was highly relevant for the DSACEUR. This officer ensured the close connection of the OPCDR to the important players in the EU. He had direct contact with the Director General of the EUMS and was the connecting element between the EUMC and the PSC. Consequently, the DSACEUR liaison could act as an “early warning unit” for Admiral Feist, giving him inputs as soon as the participating EU

⁶⁴ Document consulted by author.

⁶⁵ Ibid.

⁶⁶ Rainer Feist (Admiral, ret.), e-mail to the author, Nov. 7, 2004

⁶⁷ Document consulted by author

nations signaled problems or questions concerning the operational planning or later on, the rundown of the mission.⁶⁸

The EU's decision to deviate from NATO's operational planning process, due to the lack of time, had a contrary effect and was not time-saving. The absence of required details in the planning process led to the delayed approval of other concepts and complicated the overall decision-making process. Furthermore, the EU's lack of its own SOFA's and an overall legal framework resulted in increased costs, delayed response times, and personnel legal risks. For future EU-led operations, the EU will need its own legal support and legal arrangements, not only with the country where the operation takes place but also with any third-party nations.⁶⁹

Overall, the objectives of Concordia were doubtlessly achieved, although there are certain areas that have to be ameliorated. The Berlin-Plus agreement between the EU and NATO proved to be an outstanding and extremely effective tool for future EU-led military operations. The EU was able to use structures, assets, and capabilities that were initially created for NATO. SHAPE in Mons and the JFC in Naples proved that they can act as military headquarters for both organisations, and the EU demonstrated that it is willing to take responsibility for crisis management and is able to conduct successful military operations.⁷⁰ With the help of a visible military presence, maintenance of situation awareness and close and intense contact and cooperation with the local population and authorities, Concordia contributed to the smooth implementation of the Ohrid Framework Agreement. The significance for the EU of the successful operation Concordia was summed up by the High Representative for CFSP Javier Solana on 16 December 2003, just one day after the operation in Macedonia ended:

For the European Union it is a good day, because what started as the first ever EU-led military operation is successfully concluded. As part of a comprehensive international peace implementation effort led by the EU and the United States, Operation Concordia has, as did previous NATO-led missions, provided a stabilizing presence in

⁶⁸ Rainer Feist (Admiral, ret.), e-mail to the author, Dec. 12, 2004

⁶⁹ Document consulted by author.

⁷⁰ Rainer Feist (Admiral, ret.), e-mail to the author, Jan. 6, 2004

areas of tension. While the mission was small, the Union has showed that it is able to deploy a capable military force. It has also proven that, like few other international actors, it can bring together different instruments and capabilities: political leadership, military force, and economic support. Finally, for the EU, this day is a sign that a lot has been achieved over a short period of time. We began to build a Common European Foreign and Security Policy in 1992. Few then believed that only a decade later we would send out men in arms under the EU's flag. However, much more remains to be done if the EU is to be ready to meet old and new challenges in a more complex world. A successful military operation constitutes a significant step in this direction: towards a Europe that is able to share in the responsibility for global security and in building a better world.⁷¹

Although Concordia was a comparatively small mission, its positive outcome certainly strengthened the EU's self-confidence and will to take on more challenging military operations in the future. In fact, the success in Macedonia paved the way for the EU to replace NATO as the responsible organization to implement the Dayton Accords in Bosnia and Herzegovina.

⁷¹ Javier Solana, "A Joint Effort for Peace and Stability," Council of the European Union, http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/articles/78480.pdf (accessed Apr. 21, 2005)

IV. THE SITUATION IN BOSNIA AND HERZEGOVINA

A. HISTORICAL BACKGROUND

1. From the Ottomans to Tito

The Balkan region is often referred to by Western countries as the back door to Europe or the Balkan powder keg. Indeed, for many people the region carries too much cultural baggage to actually belong to Europe. Today, many Western societies associate war, intrigue, and human suffering with the term “the Balkans”.⁷² Due to the geographical position of the region, the Balkans has always been crossed by armies on their way to Asia, Europe, Russia, or Africa. Many of those armies left the region devastated and plundered. This legacy of war, the memory of defeats and massacres, has strongly influenced the cultural heritage and the identity of each Balkan nation or ethnic group.⁷³

Although the whole European continent had suffered from devastating wars during the previous centuries, the Balkan wars stand out because they all have been fought for the same reasons: nationalism, religion, and ethnic hatred. Still, after the outbreak of the war in the 1990s, Western policy makers refused to understand why the small countries in this southeastern region of Europe were so willing to fight the same battles on their own soil over and over again. The forces of nationalism and religion were simply underestimated by the West. Even fifty years of Communist rule could neither snuff out the national consciousness nor the religious fervor inside the different ethnic groups.⁷⁴

While central and western Europe could start their political, cultural, and economical development in the fifteenth century, that process was strongly hampered for the countries in the Balkans due to the Ottoman occupation. The evolution of the Balkan societies was suppressed for nearly five hundred years by the Turkish conquest. Important eras, like the Renaissance, the Age of

⁷² Andre Gerolymatos, *The Balkan Wars* (New York: Basic Books, 2002), 4

⁷³ Ibid. 14

⁷⁴ Ibid. 4

Enlightenment, and later on the Industrial Revolution, had little impact on the Balkan region. Consequently, the states in the Balkans not only have lagged behind the West technologically but also have emerged comparatively late as modern societies.⁷⁵

When the Turks occupied the Balkans, Bosnia was rapidly absorbed into the Ottoman Empire. While most Balkan countries around Bosnia retained their own religions – the Serbs stuck to Eastern Orthodox Christianity and the Croats remained Roman Catholic – a majority of the native Bosnian population gradually converted to Islam.⁷⁶

When the Ottoman era in the Balkans came to an end by the end of the nineteenth century, the Congress of Berlin in June/July 1878 restructured the Balkans. However, the interests and the overlapping and contradictory national territories of the emerging Balkan states were secondary. The Great Powers shuffled land and people in the region without considering the possible consequences. Bosnia and Herzegovina were handed over to Austria-Hungary and Serbia became sovereign. Macedonia, a mosaic of many different ethnic groups and additionally a strategic hub for many countries in the region, was given back to the Ottoman Empire. The Congress reconfigured the Balkans in a way that ensured other conflicts in the region and also among the Great Powers.⁷⁷

The rule of the Austrian-Hungarian Empire was never really accepted by the Bosnian population. Particularly for the Serbs in Bosnia the Austro-Hungarians were nothing but a replacement of the Turks who had occupied their home soil for almost five hundred years. When Archduke Ferdinand visited Sarajevo on June 28, 1914, he was not considering that the day was the National Day of the Serbs. On June 28, 1389, Prince Lazar had led the Serb armies against the forces of Ottoman Sultan Murad I on the field of Kosovo Polje. The

⁷⁵ Andre Gerolymatos, *The Balkan Wars* (New York: Basic Books, 2002), 4-5

⁷⁶ Encyclopedia Britannica Online, "Bosnia and Herzegovina," <http://www.britannica.com/eb/article?tocId=9110558> (accessed Apr. 21, 2005)

⁷⁷ Andre Gerolymatos, *The Balkan Wars* (New York: Basic Books, 2002), 206-207

Battle of Kosovo became the symbol of Serbian nationalism. Ferdinand would be punished fatally for his ignorance of Balkan history. His and his wife's assassination by the Serb Gavrilo Princip in the Bosnian city of Sarajevo triggered World War I.⁷⁸

After the end of World War I Bosnia joined the newly created Kingdom of Serbs, Croats, and Slovenes. Although its outline was preserved on the map, Bosnia did not retain a formal status. In 1929, the Serb King Alexander I declared a royal dictatorship and changed the name of the state to Yugoslavia. The historical regions were replaced by nine prefectures, all drafted deliberately to cut across the lines of traditional regions. Bosnia was wiped off the map. The first Yugoslavia was brought to an end by World War II and the Axis powers' invasion in April 1941. Bosnian territory was absorbed into the Nazi puppet state, "Independent State of Croatia". A fascist movement, the Ustasa, was put into power and began a ruthless and violent persecution of Serbs, Jews, Gypsies, and antifascist Croats. Two organized resistance movements emerged inside Croatia, a Serb royalist force known as the Chetniks, and the communist Partisan force that included Serbs, Croats, and Muslims, led by Josip Broz Tito. Tito and his Partisans liberated Sarajevo in April 1945 and a "people's government" for Bosnian was declared. The Soviet army, supported by Tito's Partisans, had already liberated Serbia in October 1944. Until May 1945 Communist control of the whole of Yugoslavia was further strengthened so that the Federal People's Republic of Yugoslavia could be proclaimed in November 1945. Meanwhile, Tito was successfully consolidating his power in the newly created Republic. In subsequent years, however, Tito more and more followed a policy of nonalignment and, finally, Yugoslavia was cut off from the Soviet Union and its eastern European satellites.⁷⁹

When Tito died in May 1980, Yugoslavia consisted of six republics – Serbia, Slovenia, Montenegro, Macedonia, Croatia and Bosnia and Herzegovina

⁷⁸ Andre Gerolymatos, *The Balkan Wars* (New York: Basic Books, 2002), 4

⁷⁹ Encyclopedia Britannica Online, "Bosnia and Herzegovina," <http://www.britannica.com/eb/article?tocId=9072654> (accessed Apr. 21, 2005)

(BiH)⁸⁰ – and two autonomous regions, Kosovo and Vojvodina. Each of the republics and regions had its own parliament, government, and bureaucracy and in each republic you could find several different ethnic groups.

2. From Tito's Death to Dayton

Although Tito had created the Federal People's Republic of Yugoslavia, he was always aware that the different ethnic groups could not really be integrated within a supranation.⁸¹ He was right. After his death a nationalist movement quickly arose in Serbia, claiming Serbian dominance in Yugoslavia based on the majority of Serbs among the Yugoslavian population. Particularly in Bosnia and Herzegovina and in Croatia the proportion of Serbs was high. The myth of the Battle of Kosovo, the myth of the fight of the Serbs against the Islamic threat, was used by the radical Serbian nationalistic movement and their leader Slobodan Milosevic to mobilize the Serbian population.⁸² By June 1989, the 600-year anniversary of the battle on the field of Kosovo Polje, the Albanian population in Kosovo had lost their rights and their autonomy.⁸³ Meanwhile, also in BiH and Croatia, Serbian nationalistic movements had arisen that adopted Beograd's idea of a Great Serbian state. As early as 1990 the Serbs proclaimed "liberated areas" inside Croatia. While Milosevic was successful in keeping the socialist system in Serbia alive, new democratic movements in Croatia and Slovenia tried to reform the communistic structures. In spring 1991 the Croatian and Slovenian populations voted for independence from Yugoslavia. Consequently, both countries declared their independence on 25 June 1991. This development increased the aggressions on the Serbian side even further and disembugued into war between Croatia and Serbia. Serbian troops, supported by the Yugoslavian Peoples Army, conquered about one-third of Croatian territory. The

⁸⁰ For the remaining chapters the term "BiH" will represent "Bosnia and Herzegovina"

⁸¹ Encyclopedia Britannica Online, "Tito, Josip Broz," <http://www.britannica.com/eb/article?tocId=9072654> (accessed Apr. 21, 2005)

⁸² Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 27-28

⁸³ BBC History, "Yugoslavia:1918-2003 – Descent into chaos," http://www.bbc.co.uk/history/state/nations/yugoslavia_04.shtml (accessed Apr. 21, 2005)

UN reacted by declaring a weapons embargo on the whole of Yugoslavia, while the European Community put economic sanctions on all Yugoslavian republics. In December 1991, Croatia and Serbia agreed on an armistice, and in spring 1992, in keeping with the Vance-Plan, the UN deployed troops, the United Nations Protection Force (UNPROFOR).⁸⁴ Its initial function was “to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis.”⁸⁵

But the overarching Croatian-Serbian fight was not just about Serbian-claimed territory inside Croatia. As early as March 1991, Croatian President Franjo Tudjman and the Serbian leader Slobodan Milosevic met and principally agreed on the territorial division of BiH.⁸⁶ In spring 1992, Beograd and Zagreb stressed that after the breakdown of Yugoslavia as a whole, the multiethnic and multicultural Bosnia society no longer had the right to exist.⁸⁷

At that time the people inside BiH did not want war. Until fall 1991 the main national parties of the three ethnic groups – the Serbian Democratic Party (SDS), the Bosnian Party of Democratic Action (SDA), and the Croatian Democratic Community (HDZ) – still had moderate and democratic political goals. The situation began to change in fall 1991 with the radicalization of the SDS under their new leader, Radovan Karadzic. In January 1992, the SDS openly stood up for a territorial division of BiH and declared their own republic, the “Republika Srpska”. In early 1992, the Croatian HDZ also adopted more radical tendencies. Its leader, the nationalist Mate Boban, tried to get all Croatian-dominated regions inside Bosnia and Herzegovina under his control. Like the Serbs, the Croatians intended to create their own entity, the “Herzeg-Bosna”. The third ethnic group, the Bosnians – represented by the SDA and their

⁸⁴ United Nations Organization, “United Nations Protection Force-Background,” http://www.un.org/Depts/DPKO/Missions/unprof_b.htm (accessed Apr. 21, 2005)

⁸⁵ United Nations Organization, “United Nations Protection Force-Profile,” http://www.un.org/Depts/dpko/dpko/co_mission/unprof_p.htm (accessed Apr. 21, 2005)

⁸⁶ Matthias Rueb, “Vor vier Jahren rollten die Panzer,” *Frankfurter Allgemeine Zeitung*, No.273, 3, Nov. 23, 1995

⁸⁷ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 31

Muslim leader, Alija Izetbegovic – denied the division of the Bosnian-Herzegovinian territory. A referendum held in March 1992 resulted in a majority for independence from Yugoslavia. Shortly after the referendum, in April 1992, the United States and the EC recognized Bosnia and Herzegovina diplomatically. This development sparked the war. By November 1992 the Army of the Republika Srpska, supported by the Yugoslavian Army, had gained two-thirds of the country. Most important, by conquering the Posavina region, including the city of Brcko, and the ethnic cleansing of the area around Banja Luka and Prijedor, the Serbs succeeded in connecting the Serb-controlled areas in Croatia with those in BiH. When the Serbian offensive ended in November 1992, approximately 50,000 to 100,000 people had been killed and several hundred thousand had lost their homes.⁸⁸

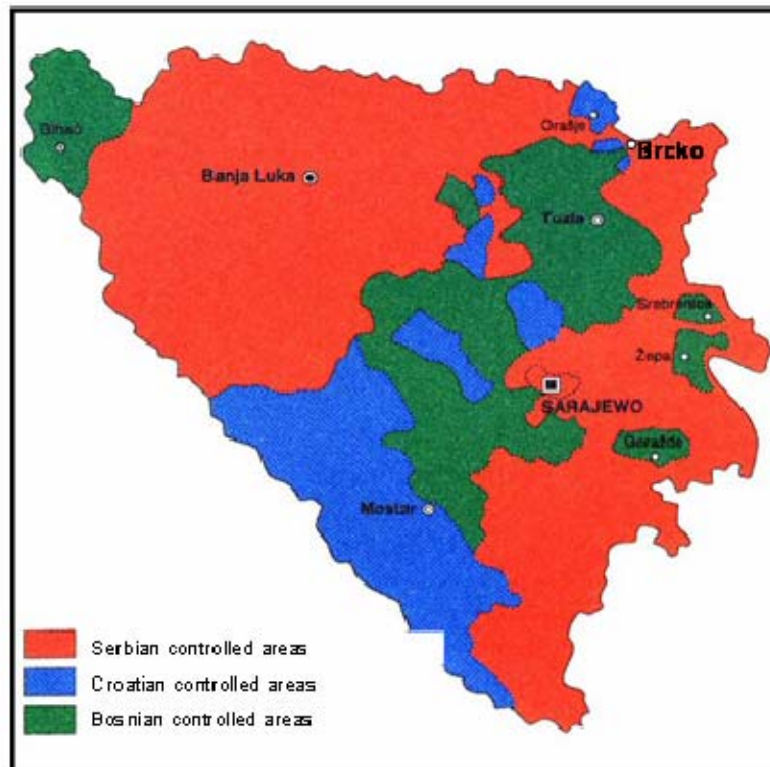


Figure 4. Front structure in Bosnia and Herzegovina in July 1993⁸⁹

⁸⁸Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajevo: Wieser Verlag, 2001), 31-36

⁸⁹ Ibid. Tafel II, 457

The UN replied to the Serbian aggression with an economic embargo in May 1992 against Serbia and Montenegro. Furthermore, the UNPROFOR mission was extended to BiH. The forces were initially tasked to support the humanitarian convoys that had been set up by many international organizations. Later on, UNPROFOR would additionally monitor the established “no-fly” zone and United Nations “safe areas” established by the Security Council around the Bosnian cities Srebrenica, Tuzla, Zepa, Gorazde, Bihac, and Sarajevo.⁹⁰ However, UNPROFOR was not mandated to enforce peace. Force could only be used in self-defense. Thus, the “peace keeping” task of the forces would lead to a massive contradiction in an environment that needed a robust “peace-enforcing” mandate.⁹¹

Cooperation between the Croats and the Bosnians came to an end after the Serbs finished their offensive in November 1992. The Serbs had achieved their basic goal and had conquered nearly all of the desired territory. The Serbian aggression united the Croats and the Bosnians only temporarily. After the fight against the Serbs significantly lessened, the Croatian nationalists attempted to achieve their own political goals. Like the Serbian nationalists, Croats strove for a territorial division of BiH. Now it was their turn to have a piece of the “Bosnian-Herzegovinian cake”. In April 1993 Croatian troops attacked several Bosnian cities and drove away the Bosnian population. At that time also the Bosnian leaders adopted a more radical stance. As a countermove to the ethnic cleansing of the Muslim Bosnian population by the Croatian troops, Bosnian-Herzegovinian forces, the “Armija BiH”, started to dispel the Catholic Croatian population from central Bosnia. The international community reacted to this development with proposals of peace plans – the Vance/Owen-Plan in January 1993 and the Owen/Stoltenberg-Plan in September 1993 – that

⁹⁰ United Nations Organization, “United Nations Protection Force-Profile,” http://www.un.org/Depts/dpko/dpko/co_mission/unprof_p.htm (accessed Apr. 21, 2005)

⁹¹ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 37

suggested a peaceful partitioning of the country without destroying its overall integrity. Neither plan was accepted by all involved entities.⁹²

By the end of 1993 all Bosnian-controlled territories were fully cut off. Their survival depended solely on support from international humanitarian organizations whose convoys were protected by UN forces, at this time still UNPROFOR. As a result of the failure of the suggested plans and the challenging situation in BiH, the German and the U.S. governments increased their pressure on the Croatian government in Zagreb. In August 1993 the Croatian entity in Bosnia had founded the Croatian Community Herzeg-Bosna under the lead of the radical nationalist, Boban. But German-U.S. pressure on Zagreb was successful and in December 1993 Boban was replaced by a more moderate politician. On 1 March 1994 the parties signed a Croat-Muslim agreement that created the Federation of Bosnia and Herzegovina, officially dissolving the Croatian Community Herzeg-Bosna, though in practice the Herzeg-Bosna was maintained and was closely connected to Croatia economically, fiscally, and administratively, implementing the same laws and using the same currency. The common state institutions inside BiH – the parliament, government, and presidency – still existed but they no longer functioned. In Herzeg-Bosna, like in the Republika Srpska, a state structure had been developed after the beginning of the war. Although the Croat-Muslim agreement had been signed, the Croatian side still strove for a division of BiH based on ethnic identities.⁹³

Soon, aggression from the Serbian side forced the international community to develop another peace plan. The United States, Russia, Great Britain, Germany, France, and Italy came up with the Contact Group-Plan in July 1994, which gave the Federation 51 percent of the territory and the Republika Srpska (RS) 49 percent. Against the advice of Milosevic, this plan was rejected by the Bosnian Serbs, who feared they would lose much of the territory they had

⁹² Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 38-41

⁹³ Ibid, 41-43

just conquered.⁹⁴ Fights inside BiH continued as both parties tried to improve their initial positions for future peace talks. But the military situation had changed. While the Serbian forces had become increasingly war-weary, the Bosnians and Croats were highly motivated and numerically superior. Just after an armistice ended on 30 April 1995, the Croats began an offensive in West-Slavonia and forced the Serbian population and the military to flee into Serbian-controlled territories in west Bosnia. However, when the attempt of the Armija BiH to free Sarajevo from the Serbian siege failed, Serbian vengeance was directed against the city of Srebrenica, one of the UN "safe areas". On 11 July 1995 the Serbian military marched into the city without being challenged by the present UNPROFOR troops. Their mandate neither allowed them to take actions against the aggressors, nor was the UN force strong enough to challenge the aggressor. In the five days after Bosnian Serb forces overran Srebrenica, more than 7,000 Muslim men are thought to have been killed.⁹⁵

In early August 1995 Croatian forces initiated a new wave of ethnic cleansing and within a few days had conquered the Serbian-occupied territories in Croatia. Almost 200,000 Serbs had to flee. The Serbs responded with artillery attacks on Sarajevo. Now, the international community decided to confront this barbaric spiral of violence with robust military force. Initial NATO bombardments targeted the Serbian artillery around Sarajevo. Shortly after, NATO extended its attack to include the Serbian military throughout the territory of the Republika Srpska. At the same time, Croatian troops and the Armija BiH attacked the Serbs in West Bosnia. By now, Serbian resistance had almost disappeared, so the United States and NATO stepped in to stop the Bosnian and Croatian offensive. When the conflict finally ended on 11 October 1995, 51.6 percent of BiH territory was controlled by the Federation, 48.4 percent by the Republika Srpska. In a conference in Geneva on 8 September 1995, Milosevic, who led the talks on behalf of the Bosnian Serbs, signaled his willingness to recognize Bosnia and

⁹⁴ Matthias Rueb, "Vor vier Jahren rollten die Panzer," *Frankfurter Allgemeine Zeitung*, No.273, 3, 23 November 1995

⁹⁵ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 46-48

Herzegovina as an independent state; Sarajevo, on the other hand, accepted the existence of the Republika Srpska as one of two entities inside the country. Thus, a basis for the conclusion of the Dayton Accords later that year was founded.⁹⁶

3. Findings

With the signing of the Dayton Accords, the General Framework Agreement for Peace in Bosnia and Herzegovina, in Paris on 14 December 1995, Milosevic, Tudjman, and Izetbegovic officially ended a war that had been conducted in a way the world had thought impossible in the late twentieth century. The armed forces of all the parties had attacked other ethnic groups with extreme cruelty and violence. Murder, torture, rape, and ethnic cleansing were the daily agenda, and one day's ally was the next day's enemy. During the 3.5 years of war about 200,000 people, almost 5 percent of the population, lost their lives, and more than two million were victims of ethnic cleansing. At the end of 1995 Bosnia and Herzegovina was devastated. One-third of the homes were destroyed; the industry and most of the infrastructure had collapsed; the majority of the population depended on support from foreign countries and international organizations. As a result, the negotiations in Dayton that preceded the signing of the agreement were strongly influenced by the impressions and consequences of the war. Distrust of the other parties was deep-rooted.⁹⁷ In his speech in Paris on 14 December 1995, the Croatian leader Tudjman explained to the world how this disaster had happened and why a regional solution to the conflict was impossible after the break-up of communist Yugoslavia. For Tudjman, the reasons were rooted deep in the particular history of the lands know collectively as the Balkans.⁹⁸

The importance of history for the behavior and goals of the peoples of the Balkans was greatly misunderstood and underestimated by the rest of the world.

⁹⁶ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 50-52

⁹⁷ Ibid. 54

⁹⁸ Unknown Author, "Nach langen Kriegsjahren ein Signal der Hoffnung," *Frankfurter Allgemeine Zeitung*, No.292, 1, Dec. 15, 1995

This wrong assessment by the international community created a blind and fatal passivity, so the initial flare-up in the late 1980s could unfold into a full-scale war. Unfortunately, the ultimate success of the Dayton Accords would strongly depend on the international community's ability to understand that distrust and aversion among the ethnic groups was based not only on the consequences and impressions of the war just ended, but also on historical developments that had occurred over many centuries.

However, as President Bill Clinton said in his Paris speech on 14 December 1995, "no foreign power can guarantee that Muslims, Croats, and Serbs can live in Bosnia and Herzegovina as free citizens in one country. This, only the Bosnian people can achieve."

B. THE DAYTON ACCORDS: THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA

1. Civilian Aspects

In signing the Dayton Accords, Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia mutually agreed to respect each other's sovereignty. Their future behavior and actions would comply with the UN Charter and the documents of the OSCE. They would settle disputes peacefully. The constitution of BiH would be based on democratic principles (Annex 4) and establish two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (RS) (Annex 2). They would conduct free, fair, and democratic elections, supervised by the OSCE, within six to nine months (Annex 3). Human rights would be guaranteed for all people inside BiH and a Commission of Human Rights would be established with the assured access of international human-rights agencies (Annex 6). Refugees and displaced persons could return to their homes and regain their property or obtain compensation (Annex 7). Public corporations would be established to organize the reconstruction of infrastructure, transportation, and the supply of water, gas, and electricity (Annex 9). The UN would establish an International Police Task Force (IPTF) to monitor and inspect law-enforcement activities and facilities and train and advise local law-enforcement personnel (Annex 11). All parties were also thereby obliged to

cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.⁹⁹

Annex 10 of the Dayton Accords designated the appointment by UN resolution of a High Representative (HR), described as the highest incontestable authority regarding interpretation of civil aspects of the Accords. His tasks were to include: monitoring the implementation of the peace agreement, maintaining close contact with the contracting parties, coordinating the activities of civil and international organizations, providing guidance for the IPTF, and intense and close cooperation with the commander of the military implementation force. The HR would have no authority over the military, however, and no right to intervene in the military chain of command.¹⁰⁰

A peace conference held in London on 8 and 9 December 1995 mobilized international support for the implementation of the Dayton Accords and established the Peace Implementation Council (PIC). Its membership would consist of states and organizations that would actively support the peace agreement. The PIC would meet regularly to decide how the goals specified in Dayton could best be implemented. In addition, the PIC decided to create a steering board to act as its executive body under the control of the HR.¹⁰¹

2. Military Aspects

Although the Dayton Accords recognize BiH as a sovereign state, the agreement also provides for the establishment of an international military peace force to help ensure the parties' compliance with provisions concerning the military aspects of the peace settlement (Annex 1a). The Implementation Force (IFOR) would be under NATO command, supported by willing nations, and endowed with a robust UN mandate including the use of force if necessary. IFOR

⁹⁹ Office of the High Representative and the EU Special Representative, "The General Framework Agreement," http://www.ohr.int/dpa/default.asp?content_id=379 (accessed Apr. 21, 2005)

¹⁰⁰ Office of the High Representative and the EU Special Representative, "The General Framework Agreement: Annex 10," http://www.ohr.int/dpa/default.asp?content_id=366 (accessed Apr. 21, 2005)

¹⁰¹ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 65-67

was to monitor the successful establishment of an Inter-Entity-Boundary Line (Annex 2)¹⁰² and ensure the separation of the three armies, their retreat into their barracks, partial demobilization within a certain timeframe, and prisoner exchange.¹⁰³

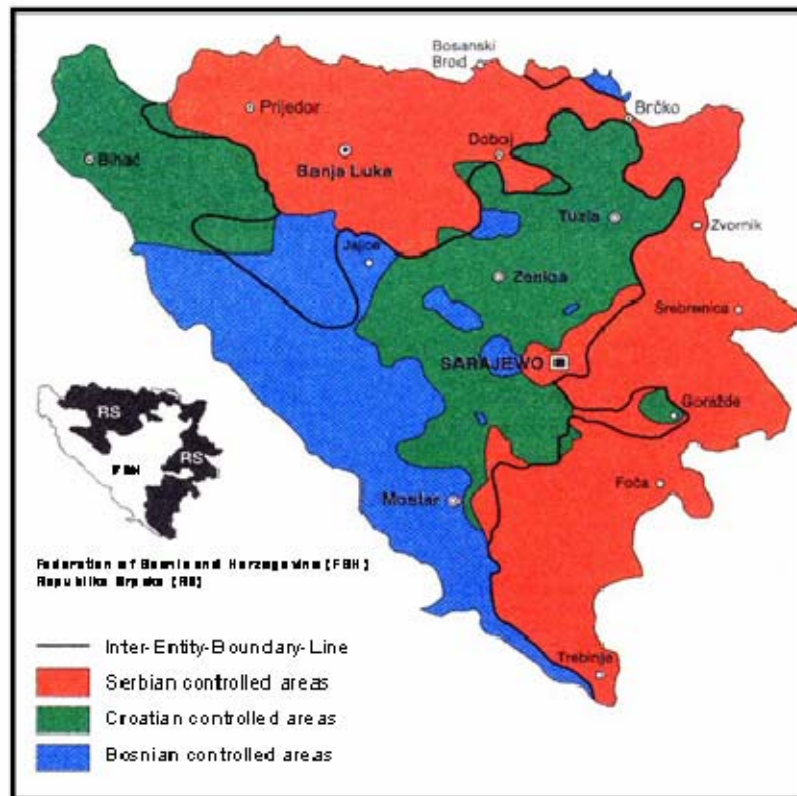


Figure 5. Bosnia and Herzegovina after Dayton in comparison to the front structure at the end of the war¹⁰⁴

¹⁰² Office of the High Representative and the EU Special Representative, "The General Framework Agreement: Annex 2," http://www.ohr.int/dpa/default.asp?content_id=370 (accessed Apr. 21, 2005)

¹⁰³ Office of the High Representative and the EU Special Representative, "The General Framework Agreement: Annex 1A," http://www.ohr.int/dpa/default.asp?content_id=368 (accessed Apr. 21, 2005)

¹⁰⁴ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), Tafel VI, 461

The overall long-term task was to ensure the establishment of a durable cessation of hostilities. Like the civilian HR, the IFOR Commander would be the highest military authority and would be responsible for interpreting military aspects of the Accords.¹⁰⁵

C. THE DEVELOPMENT AFTER DAYTON

1. Civilian Aspects

a. Constitutional Issues

The Dayton Accords gave BiH a Constitution that kept the overarching state intentionally weak; otherwise, the Serbian and Croatian sides would not have accepted the final version of the agreement. Many of the internal committees were given the competency to block decisions by using veto or quorum-mechanisms.¹⁰⁶ In addition, the Constitution strongly stresses the aspect of ethnicity: the Federation of Bosnia and Herzegovina and the RS would each maintain their own parliament, corresponding institutions and constitutions. However, both the RS Constitution and the Federation Constitution was designed to be the constitution of a sovereign state: both refer to their own specific ethnic groups as their only territorial constituents. Consequently, the rights of Serbs living in the Federation and of Croats and Bosnians living in the RS are not ensured.¹⁰⁷

According to the Accords, the competency and power of the overarching state included the areas of foreign policy whereby both entities could maintain relations with neighboring states in regard to trade, customs and monetary policies, refugee and asylum policies, international criminal prosecution, telecommunications, and air traffic control. All other areas, including

¹⁰⁵ Office of the High Representative and the EU Special Representative, "The General Framework Agreement: Annex 1A," http://www.ohr.int/dpa/default.asp?content_id=368 (accessed Apr. 21, 2005)

¹⁰⁶ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 59-60

¹⁰⁷ Peter Neussl, "The Constituent Peoples Decision of the Constitutional Court and the Sarajevo-Mrakovica Agreement – A Milestone Product of the Dayton Concept?" in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel, (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 66

defense and internal economic activities, were to be maintained at the separate entity level.¹⁰⁸ “Such minimal federations largely provide for a roof to allow for one international point of contact, thus creating external legitimacy, but provide little internal legitimacy through institutions and competences.”¹⁰⁹ Eventually, changes made in the institutional structures after Dayton strengthened the central state competences: the number of ministries grew from three to ten and the control of state borders and the command of the entities armed forces was transferred to the state level. But the discrimination against ethnic minorities, inherent in the two entities’ constitutions, remained unchanged for five years, until 2000 when the Bosnian Constitutional Court declared a number of their provisions unconstitutional.¹¹⁰

However, neither the RS nor the Federation was able to implement the Constitutional Court’s decision. It took two more years and the power of the HR to incorporate power-sharing mechanisms and equitable-representation principles into the public-administration policies of the two constitutions.¹¹¹ But changes to the Bosnian Constitution did not follow, so provisions that do not conform to common constitutional principles still exist. Even today, the “Bosnian Constitution contains violations of the political, individual and civil rights of Bosnian citizens, and discrimination against national minorities in the electoral process.”¹¹² Although the Constitution was an important factor in establishing

¹⁰⁸ Office of the High Representative and the EU Special Representative, “The General Framework Agreement: Annex 4,” http://www.ohr.int/dpa/default.asp?content_id=372 (accessed Apr. 21, 2005)

¹⁰⁹ Florian Bieber, “Towards Better Governance with More Complexity?” in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel. (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 74

¹¹⁰ Peter Neussl, “The Constituent Peoples Decision of the Constitutional Court and the Sarajevo-Mrakovica Agreement – A Milestone Product of the Dayton Concept?,” in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel. (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 66

¹¹¹ Florian Bieber, “Towards Better Governance with More Complexity?,” in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel. (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 75-76

¹¹² Zija Dizdarevic, “Conflicted Constitution: The International Responsibility in Shaping the Democratic Framework,” in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel. (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 89

peace and basic domestic stability immediately after the war, it supported an ethnic division of the country and accepted continuing discrimination against minorities. Thus, it did not prove to be a “factor for stabilizing Bosnia on a democratic basis and for laying the foundations for internal and international integration.”¹¹³

b. Social, Political, and Economical Development and the Reinforcement of the High Representative

In sum, the overarching Bosnian Constitution did little to weaken the strong nationalist currents in the country that prevailed after the end of the war. Indeed, although the international community supported the implementation of the Dayton Accords with manpower and enormous financial means, the three ethnic groups that signed the Dayton Accords were simply not automatically able or willing to act accordingly. Strong national forces maintained their influence and operated openly against the terms and intentions of the agreement. In April 1996, the Bosnian Serb Radovan Karadzic, accused of leading the slaughter of thousands of Bosnian Muslims and Croats and indicted by the United Nations war crimes tribunal in The Hague, publicly supported the separation of the RS from Bosnia.¹¹⁴ Although Karadzic would be isolated politically by the fall of 1996, at the time strong nationalist currents among the three ethnic groups hampered further political, social, and economic progress and development in the country. In early 1997, the Bosnian Party of Democratic Action (SDA) questioned the Dayton Accords and demanded the founding of an independent Bosnian state while at the same time, the Croatian Democratic Community (HDZ) was postulating a pure Croatian entity. The return of refugees and displaced persons

¹¹³Zija Dizdarevic, “Conflicted Constitution: The International Responsibility in Shaping the Democratic Framework,” in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel. (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 94

¹¹⁴ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 80

was often blocked by official institutions and people avoided freely moving around within the country because they feared aggression from one ethnic group or another.¹¹⁵

Although those extreme conditions have improved significantly – today people can move freely without being threatened – a common Bosnian consciousness has not yet developed. In 2002, the nationalist parties responsible for the war atrocities – the HDZ, SDA and SDS – won the elections. In the same year, the unemployment rate still exceeded 40 percent.¹¹⁶ In 2003 less than 20 percent of refugees and displaced persons had returned to their pre-war homes¹¹⁷ and half of the population was still living in poverty¹¹⁸.

In addition, the fact that war criminals like Karadzic were allowed to move and act freely within the country signified the major problems that continued to split the country and that could not be accepted. As early as 1997, the international community had been convinced that a solution to the war-criminal problem would be decisive for the success of the peace process. However, domestic institutions were reluctant to surrender war criminals from their own ethnic group. Consequently, the HR decided that communities inside Bosnia and Herzegovina that were not supportive in this regard would be disciplined by cuts in their share of international aid.¹¹⁹ An additional challenge was that the responsibility for the capture of war criminals was not stipulated or clarified by the international military agreements. IFOR troops could only be tasked to go after war criminals if their national governments would agree. For example, it took until July 1997 for Great Britain to permit its troops to actually

¹¹⁵ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001) 90-91

¹¹⁶ Office of the High Representative, Charts, <http://www.ohr.int/ohr-info/charts/> (accessed Apr. 21, 2005)

¹¹⁷ Manfred Nowak, "Has Dayton Failed?," in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel. (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 48

¹¹⁸ Ibid. 57

¹¹⁹ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 100

capture the first war criminal in the region.¹²⁰ Even today, it requires a “coalition of the willing”¹²¹ to effect the capture of these offenders. Indeed, in June 2004 at the NATO Istanbul Summit, BiH still failed to qualify for entry into NATO’s PfP programme mainly because the country is still not able or willing to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia (ICTY).¹²² Today, Radovan Karadzic has still not been captured and Ratko Mladic, the former Serbian general and responsible for the Srebrenica massacre in 1995, was still paid by the army of the RS in 2002 and harbored in its barracks in summer 2004.¹²³

Due to the stagnating progress in the country, the Peace Implementation Council decided in Bonn on 10 December 1997 to significantly increase the power of the HR and his political scope of action. The so-called “Bonn Powers” gave the HR the ability to increase pressure on domestic institutions by setting time limits on projects, decisions, and bills. He could now decide about respites, and the locations and responsibilities of meetings of the common institutions. In case the parties were unable to reach an agreement, the HR now also had the power to decide temporary solutions, which might include decrees of laws or actions against certain members of administrative bodies who failed to comply with the Dayton Accords or who hampered domestic progress and reform.¹²⁴

The Spaniard Carlos Westendorp who, on 18 June 1997, became the successor of the first HR, Carl Bildt of Sweden, used the new Bonn Powers immediately. When two houses of the Bosnian parliament were unable to ratify a law over citizenship within a given time frame, Westendorp decided the law was

¹²⁰ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001) 80

¹²¹ Rainer Feist, (Admiral, ret.), e-mail to the author, Oct. 30, 2004

¹²² Office of the High Representative and the EU Special Representative, “Report to the European Parliament by the OHR and EU Special Representative for BiH, January-June 2004,” http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=33446 (accessed Apr. 21, 2005)

¹²³ Michael Martens, “Bosnische Serben widersetzen sich dem Hohen Vertreter Ashdown,” *Frankfurter Allgemeine Zeitung*, No.301, 2, 24 December 2004

¹²⁴ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 105-106

to become operative by January 1998.¹²⁵ Shortly after, he acted accordingly in issues about the currency, the common flag, license plates, and more. Though the Bonn Powers were used just 38 times in 1998, the number increased to 54 decisions in 2001 and 153 in 2002. Through the imposition of a universal currency, an anthem, a flag, license plates, travel regulations, and numerous essential laws, the HR has helped the country by creating at least some of the attributes of a state.¹²⁶ But Westendorp's actions were not limited solely to administrative impositions. According to the Bonn Powers, the HRs gained the ability to remove a person from office and replace him with someone they believe will act more in accordance with the Dayton Accords. Nor does the HR even have to justify his decision. By the end of 2002 more than one hundred persons had been dismissed. The present HR, since May 2002, Lord Paddy Ashdown of Great Britain, currently imposes approximately fourteen decisions per month.¹²⁷

However, several of those cases were more than questionable. For example, in 1998 the HR removed a leading Serbian politician, Dragan Cavic, for inciting violence against SFOR. Later, Westendorp apologized for that decision and in November 2002, Cavic was elected president of the Republika Srpska.¹²⁸ In 2000, the HR instigated a plan to accelerate reforms in the judicial sector. A newly created Independent Judicial Commission (IJC) would oversee the judges and public prosecutors to assure their integrity and reliability. However, the work of the IJC was initiated by public complaints and such complaints rarely occurred, so that the work of the IJC was stopped in 2002. A strategy based on complaint and investigation had failed. Consequently, the HR decided that all judges and prosecutors must resign and reapply for their positions.¹²⁹ This action revoked an

¹²⁵Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001) 108-109

¹²⁶ Srdan Dizdarevic, "The Unfinished State," in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel. (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 39

¹²⁷ Gerald Knaus und Felix Martin, "Travails of the European Raj," *Journal of Democracy* Volume 14, Number 3 (July 2003): 66-68
<http://www.journalofdemocracy.org/articles/KnausandMartin.pdf> (accessed Apr. 21, 2005)

¹²⁸ Ibid. 66

¹²⁹ Ibid. 64

immediate protest from the international community. The Council of Europe concluded that “problems have to be resolved in a constitutional and legal manner, respecting the very principles justifying the presence of the international community in Bosnia. If the international community is not willing to abide by its own principles when faced by major difficulties, what can be expected from local politicians?”¹³⁰ On 14 June 2002, Paddy Ashdown dismissed the Federation’s finance minister who had refused to resign voluntarily after being incriminated in a political scandal although there was little evidence. Alija Izetbegovic, one of the signers of the Dayton Accords and, at the time, a member of the BiH presidency, strongly objected: “In Sarajevo, they remove a man, label him dishonest, do not present proof of this, and then talk to us about human rights... They want us to take their word for it.”¹³¹

However, the overall response to the HR’s rather sweeping use of the Bonn Powers was surprisingly less critical. Indeed, a popular weekly magazine published in Sarajevo argued that the role of the HR represented a great help for the democratic process in Bosnia because the present political forces were unable to deal with the challenges. A newspaper honored the HR and his powers which, it said, “need no coalitions or consensus to impose packages and to work for the general well-being.”¹³² The actions of the HR as based on the Bonn Powers obviously had led to a kind of dependency syndrome and that hampered the development of political responsibility. Still today, the political parties in Bosnia rely on the HR whenever inconvenient decisions have to be made.¹³³

¹³⁰ Gerald Knaus und Felix Martin, “Travails of the European Raj,” *Journal of Democracy* Volume 14, Number 3 (July 2003): 65
<http://www.journalofdemocracy.org/articles/KnausandMartin.pdf> (accessed Apr. 21, 2005)

¹³¹ Ibid. 66

¹³² Ibid. 67

¹³³ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 125

c. *From the UN International Police Task Force (IPTF) to the European Police Mission (EUPM)*

In keeping with Annex 11 of the Dayton Accords, the UN established the IPTF as one major part of their overarching mission in Bosnia and Herzegovina.¹³⁴ Some specified IPTF tasks were:

- monitoring, observing and inspecting law enforcement activities and facilities, including associated judicial organizations, structures and proceedings
- advising law enforcement personnel and forces
- training law enforcement personnel
- facilitating, within the IPTF mission of assistance, the parties' law enforcement activities
- assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats
- advising government authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies
- assisting by accompanying the parties' law enforcement personnel as they carry out their responsibilities, as the Task Force deems appropriate.¹³⁵

When the nearly 2,000 international police officers established their headquarters in Sarajevo, they faced a domestic police force that was strongly molded and influenced by the war. The Bosnian police forces were organized in three parallel structures, each representing one ethnicity. Thus, they were essentially “mono-ethnic paramilitary units that were not suitable to civilian law enforcement ... and that continued to discriminate against, harass and intimidate citizens who were not of their own ethnicity. Moreover, police forces were corrupt and politically dominated.”¹³⁶

¹³⁴ UNMIBH (United Nations Mission in Bosnia and Herzegovina)

¹³⁵ United Nations Organization, “Bosnia and Herzegovina – UNMIBH – Mandate,” <http://www.un.org/Depts/dpko/missions/unmibh/mandate.html> (accessed Apr. 21, 2005)

¹³⁶ United Nations Organization, “Bosnia and Herzegovina – UNMIBH – Background,” <http://www.un.org/Depts/dpko/missions/unmibh/background.html> (accessed Apr. 21, 2005)

Although the internal situation in Bosnia gradually stabilized, it was obvious to the international community that the initial approach to creating a functioning Bosnian police was not sufficient. Sustainable police force reform and restructuring needed more than just training support and co-location. Consequently, the UN came up with a program that additionally addressed issues concerning the individual police officer's, the law enforcement institutions, and the relationship between the police and the public. The goals of the program were the certification of individual officers, the accreditation of police administrations, and the establishment of self-sustaining mechanisms for state and regional level inter-police force cooperation.¹³⁷

By the end of the IPTF mission in December 2002, the primary focus of the local police had changed from the security of the state to the security of the individual. Moreover, the IPTF had helped to recreate multi-ethnic police forces.¹³⁸

When the European Police Mission (EUPM) took over from the IPTF on 1 January 2003, it marked the beginning of the EU's very first crisis management mission within the framework of the ESDP. The EUPM maintained the same headquarters that had been used by the IPTF in Sarajevo. However, the chain of command was different: a Police Commissioner took over operational command of the mission. He reports to the European Union Special Representative (EUSR), Paddy Ashdown,¹³⁹ who reports, in turn, to the

¹³⁷United Nations Organization, "Bosnia and Herzegovina – UNMIBH – Background," <http://www.un.org/Depts/dpko/missions/unmibh/background.html> (accessed Apr. 21, 2005)

¹³⁸ Ibid.

¹³⁹ On 11 March 2002, the Council of the European Union appointed Paddy Ashdown as the European Union Special Representative in Bosnia and Herzegovina. Paddy Ashdown took up his duties as EUSR on the same day, 27 May 2002, he became the International Community's High Representative for BiH. The EU Special Representative plays a central a role in promoting overall EU political co-ordination in BiH.

Secretary General/High Representative, Javier Solana. The Political and Security Committee (PSC) exercises political control and strategic direction of the mission.¹⁴⁰

BiH's increasing stability allowed a reduction of personnel to 550 international police officers and 300 local staff. A domestic State Information and Protection Agency (SIPA) were created, representing a genuine state-level police force. While the IPTF still had an operational mandate, EUPM officers would not be present to observe Bosnian police operation. The EUPM would strengthen the domestic policing structures put in place by the IPTF by monitoring, mentoring, and inspecting the managerial and operational capacities of the Bosnian police. Key issues now include two dominant domestic challenges: the provision of a secure environment for returnees and the fight against organized crime and corruption.¹⁴¹

2. Military Aspects – From IFOR until the End of SFOR

NATO started Operation Joint Endeavor on 20 December 1995, and within a few weeks nearly 60,000 IFOR soldiers from more than 30 countries – many of them non-NATO members – were deployed in Bosnia and Herzegovina. The territory was structured in three sectors with one Multinational Division deployed in each sector. Each of the three leading nations was given command over a sector: the British established headquarters in Banja Luka and took over the sector South-West; the United States was given the sector North and their military pitched its headquarters in Tuzla.

¹⁴⁰ International Security Information Service Europe, "ESDP Goes Live: The EU Police Mission in Bosnia and Herzegovina International," <http://www.isis-europe.org/ftp/download/esdp%20goes%20live,%20eupm%20in%20bosnia%20-%20esr%2016.pdf> (accessed Apr. 21, 2005)

¹⁴¹ Office of the High Representative and the EU Special Representative, "Report to the European Parliament by the OHR and EU Special Representative for BiH, January-June 2004," http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=33446 (accessed Apr. 21, 2005)



Figure 6. IFOR Zones of Operation¹⁴²

Finally, France would command the sector South-East with headquarters in Mostar. The overarching IFOR headquarters was established in Sarajevo. The SACEUR was the overall military authority.¹⁴³

IFOR's robust mandate paved the way for the end of open hostilities and fights among the Serbs, Croats and Bosnians. The three armies were successfully separated and their partial demobilization went off as scheduled. However, the internal social and political environment of BiH remained highly fragile and insecure. By the end of 1996, IFOR had successfully implemented the peace. It was now up to NATO to stabilize this peace, a task reflected in the name of the new force: Stabilization Force (SFOR). Operation Joint Endeavor ended on 20 December 1996 and was replaced by Operation Joint Guard.

SFOR was tasked to deter hostilities and contribute to a secure environment by providing continued presence in Bosnia and Herzegovina, support key areas including primary civil implementation organizations, and

¹⁴² "The Balkan Conflict," http://home.wanadoo.nl/tcc/balkan/ifor_back.html (accessed Apr. 21, 2005)

¹⁴³ Wolfgang Petritsch, *Bosnien und Herzegowina 5 Jahre nach Dayton-Hat der Friede eine Chance?* (Klagenfurt, Wien, Ljubljana, Tuzla, Sarajewo: Wieser Verlag, 2001), 69

progress towards a lasting consolidation of peace without further need for NATO-led military forces inside the country. SFOR would have to ensure that:

- all parties adhere to the military requirements of the Dayton Accords on a sustained basis
- all parties demonstrate commitment to continue negotiations as a means to resolve political and military differences
- all parties demonstrate commitment to continue negotiations as a means to resolve political and military differences
- established civil structures are sufficiently mature to assume responsibilities to continue monitoring compliance with the Accords
- Conditions have been established for the safe continuation of ongoing nation-building activities.”¹⁴⁴

When SFOR took over from IFOR, it consisted of approximately 32,000 troops, roughly half of its predecessor’s mission.¹⁴⁵ In June 1998 this number was slightly reduced and the operation was renamed Operation Joint Forge.¹⁴⁶ Taking into account the improved security situation in BiH, the first major restructuring was first decided at the end of 1999 and, later, in early 2003. By 2000, the SFOR headquarter in Sarajevo had moved to the purpose-built Camp Butmir and by January 2003, SFOR was reduced to 12,000 troops. In addition, the Multinational Divisions inside the sectors were given up and replaced by Multinational Brigades. The brigades contained distinct battle groups. These battle groups could be multinational as well and were essentially reinforced

¹⁴⁴ NATO, “SFOR Mission,” <http://www.nato.int/sfor/organisation/mission.htm> (accessed Apr. 21, 2005)

¹⁴⁵ Ibid.

¹⁴⁶ Global Security.Org, “Operation Joint Forge,” http://www.globalsecurity.org/military/ops/joint_forge.htm (accessed Apr. 21, 2005)

battalion task forces with their own organic capabilities. Finally, there would be a capability to bring strategic reserve forces quickly into Bosnia and Herzegovina if they are needed.¹⁴⁷

Due to the increased role played by the Bosnian authorities in providing a secure and safe environment for their citizens, by June 2004 SFOR adopted a new operational profile, the so-called “Deterrent Presence”. This approach was reflected in a reduction of troops down to approximately 7,000 and the Multinational Brigades established in 2003 were renamed Multinational Task Forces (MNTFs). Each MNTF consists of approximately 1,800 persons. The new NATO profile was based on the quick availability of tactical, operational and strategic reserves and a comprehensive “Situational Awareness” about the situation and development in the country.¹⁴⁸ Consequently, the concept of liaison teams that had proved successful in Macedonia was introduced in BiH as well. As in Macedonia, many of the Liaison and Observation Teams (LOTs) were accommodated in houses, so-called “field houses”, in local communities. Alternatively, SFOR established so-called “field offices” and LOT offices in the main camps. More than 40 teams of approximately twelve soldiers each were spread throughout Bosnia and Herzegovina. “Their main tasks were:

- Operate with direct contact with local population, institutions and the international community
- Responsible for local co-ordination and liaison with the international community (to include Non-Governmental Organizations), regional/local civil and police authorities, and the population
- Monitor the political, economic, and social developments and focus on indicators and warnings
- Build trust and confidence among international actors and service organizations contributing to the development of BiH

¹⁴⁷ NATO, “SFOR Restructuring,” <http://www.nato.int/sfor/factsheet/restruct/t001116g.htm> (accessed Apr. 21, 2005)

¹⁴⁸ NATO, “SFOR - Multi National Task Forces,” <http://www.nato.int/sfor/factsheet/taskfor/t040526a.htm> (accessed Apr. 21, 2005)

- Monitor the progress and interaction of the international community to evaluate the degree of positive interaction, and identify any problem areas where SFOR can encourage solutions.”¹⁴⁹

SFOR's mission ended successfully on 2 December 2004, almost nine years after NATO had deployed its forces in Bosnia and Herzegovina. On this date, the EU and its military force, EUFOR, assumed responsibility for the implementation of Annex 1a and 2 of the Dayton Accords.

3. Findings

In comparison to most of its neighbor states, BiH's political, social and economical progress since the end of the war has been comparatively weak, even though the country has received extensive support from the international community. Today, it faces a weak economy with high unemployment and poor living standards. Although open hostility among the three ethnic groups has ceased and the separation of combatants is no longer a factor that threat has been replaced by security challenges such as organized crime and corruption. “The real transformation to a viable and democratic European country is still very much an unfinished business.”¹⁵⁰

The Bosnian Constitution created in Dayton has failed to be the basis for a functioning democratic Bosnian-Herzegovinian state. It allows the Federation and the RS to have their own state apparatus, which, in combination with their constitution, supports nationalistic currents and their own ethnic group and discriminates against ethnic minorities. Although the entities constitutions were partially amended following the Constitutional Court's decision in 2002, discrimination against ethnic minorities has not been abolished. These circumstances, in conjunction with Bosnia's complex history, ensure and support a continuing ethnic division and hamper the development of an overarching “Bosnian-Herzegovinian consciousness.” In 2002, the nationalist parties that

¹⁴⁹ NATO, “Liaison and Observation Teams of SFOR,” <http://www.nato.int/sfor/factsheet/lot/t040909a.htm> (accessed Apr. 21, 2005)

¹⁵⁰ Wolfgang Petritsch, “Preface,” in *Dayton and Beyond. Perspectives on the Future of Bosnia and Herzegovina*, ed. Christoph Solioz and Tobias K. Vogel. (Baden-Baden: Nomos Verlagsgesellschaft, 2004), 11

were responsible for the atrocities in the war – the HDZ, SDA and SDS – won the elections. In addition, the number of returned refugees and displaced people is still very small. More than 80 percent still have not returned to their pre-war homes. Also, the entities' cooperation regarding the capture of war criminals is still insufficient. They are not fully willing to surrender a suspect if he belongs to their own ethnic group. This is particularly applicable for the Republika Srpska. "This failure has become a fundamental obstacle to BiH's continuing progress towards Euro-Atlantic structures: the authorities of the RS must address this issue as a matter of urgency if the country as a whole is to move forward."¹⁵¹

As long as the Bosnian-Herzegovinian Constitution gives the two entities the current power, the nationalist currents inside the country will most likely prevail and social, political, and economical progress in terms of a Bosnian state will be very difficult to achieve. The progress achieved in BiH so far was largely due to the HR and the enormous power he had been given. Although his way of making decisions has not always been an example of ideal democracy, his decisions and laws have certainly supported internal development. Nonetheless, his way has also hampered the development of a democratic culture not only among Bosnian politicians but also among Bosnian citizens. It is questionable whether it makes sense for the HR to impose decisions, rather than driving the population and the politicians to find acceptable compromises, especially in a country that is supposed to learn how to live according to democratic principles.

The effort and commitment of the International Police Task Force and its successor, the European Police Mission, created sufficient stability in the country that the number of international police officers could be significantly reduced and their mission limited to monitoring, mentoring and inspecting the work of newly created domestic policing structures. Since January 2003, the EU has been responsible for the development of an effective domestic police force. The takeover from the IPTF went smoothly and the internal progress achieved by the IPTF inside Bosnia and Herzegovina was continued by the EUPM. This success

¹⁵¹ Office of the High Representative and the EU Special Representative, "OHR Mission Implementation Plan for 2005," http://www.ohr.int/ohr-info/ohr-mip/default.asp?content_id=34144 (accessed Apr. 21, 2005)

demonstrates not only the readiness of the EU to take on crisis management missions at the civilian level, but also its strong commitment to its European Security and Defense Policy and the will to become an important political player.

BiH's increasing internal stability is also reflected in the continuing reduction of international military forces. While the international community under the lead of NATO began the mission in BiH with almost 60,000 soldiers, by 2004 the number of troops could be downsized to 7,000. Moreover, SFOR adapted its military structure to the domestic developments and current challenges by introducing highly flexible LOTs that had proved effective during operation Concordia in Macedonia. With their open and transparent approach toward the people of Bosnia and Herzegovina the LOTs have contributed significantly to the improved security situation in the country. This positive development and the increased role played by Bosnian authorities paved the way for the transition from NATO to the European Union.¹⁵²

¹⁵² NATO, "Liaison and Observation Teams of SFOR," <http://www.nato.int/sfor/factsheet/lot/t040909a.htm> (accessed Apr. 21, 2005)

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V. THE EUROPEAN FORCES IN BOSNIA: OPERATION “ALTHEA”

A. BACKGROUND

At the summit in Copenhagen in December 2002, the EU expressed its willingness to take over responsibility for a military operation in Bosnia. This willingness demonstrated the EU's recently developed military capabilities and signaled the EU's commitment to BiH itself. What was even more significant was the EU's provision of an integrated approach that connected the various players and elements: the EU Special Representative (EUSR), Paddy Ashdown, who is also the High Representative (HR) in BiH; the EU Police Mission (EUPM), the CARDS¹⁵³ program and a possible EU-led military operation.¹⁵⁴

The EU made very clear that any such military operation would be conducted in close cooperation with NATO and would be based on the Berlin-Plus arrangement, which was eventually concluded in March 2003. At that time, the U.S. response to the EU approach was rather reserved because of Iraq. From a U.S. perspective, the time was not ripe for such an EU commitment. It took the Bush administration until the fall of 2003 to adopt a more positive attitude towards the EU's offer.¹⁵⁵

Apparently, the success in 2003 of the EU and Berlin-Plus in operation Concordia in Macedonia convinced the United States that the Europeans should get their chance in Bosnia. In early 2004 the EU developed the “General Concept” followed by the “Military Strategic Option Directive” and the “Military Strategic Option.” At the NATO Istanbul Summit on 28 June 2004 the heads of state and government of the NATO countries decided to terminate the SFOR mission in BiH by the end of 2004. At the same time, the willingness of the

¹⁵³ CARDS: Community Assistance for Reconstruction, Development and Stabilisation adopted with the Council Regulation (EC) No 2666/2000 of 5 December 2000

¹⁵⁴ The Council of the European Union, “Interview of Javier Solana, EU High Representative for the Common Foreign and Security Policy, to Sead Numanovic published by *Dnevni Avaz* (BiH) on 5 March 2003,” http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/EN/sghr_int/74851.pdf (accessed Apr. 21, 2005)

¹⁵⁵ Horst Bacia, “Europas neue Aufgabe,” *Frankfurter Allgemeine Zeitung*, No.283, 10, 03 December 2004

European Union to establish a follow-on mission was strongly welcomed; and NATO's support for an EU-led military operation was confirmed, based on the existing NATO-EU Berlin-Plus arrangement. On 9 July, the United Nations extended SFOR's mandate in BiH and welcomed the EU's intention to take on the responsibility after NATO ended its mission. On 12 July, the EU signed the "Council Joint Action", thereby agreeing to conduct a military mission in BiH. On 27 July, the Deputy Supreme Allied Commander Europe (DSACEUR) was given the Military Initiating Directive, the foundation document required for the European Union Operation Commander (EU OPCDR) to conduct planning of the operation.¹⁵⁶ The Concept of Operation (CONOPS) was agreed to by the Council on 13 September and the Force Generation Conference was held successfully on 15 September.¹⁵⁷ The Operational Plan (OPLAN) for operation "Althea" was approved on 11 October.¹⁵⁸ Like its role in operation Concordia in Macedonia, the EU did not establish its own Status of Forces Agreement (SOFA) with BiH. The existing agreement between NATO and the country granted far-reaching rights and possibilities to the forces. A new, independent EU SOFA would have been much more limited. Consequently, the EU followed the advice of its legal advisors to join the existing NATO SOFA.¹⁵⁹

Finally, on 22 November the UN mandated the EU "to establish for an initial planned period of 12 months a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO HQ presence in accordance

¹⁵⁶ The Council of the European Union, "EU Military Operation in Bosnia and Herzegovina (EUFOR-Althea)," http://ue.eu.int/cms3_fo/showPage.asp?id=745&lang=en (accessed Apr. 21, 2005)

¹⁵⁷ The Council of the European Union, "Summary of the remarks made by Javier SOLANA, EU High Representative for the Common Foreign and Security Policy, at the informal MEETING OF EU DEFENCE MINISTERS Noordwijk, 17 September 2004," <http://ue.eu.int/uedocs/cmsUpload/Noordwijk%2017.09.04.pdf> (accessed Apr. 21, 2005)

¹⁵⁸ International Security Information Service Europe, "ESDP takes over from NATO: Operation ALTHEA, coherent, effective and democratically accountable?" <http://www.isis-europe.org/ftp/Download/ESR%2024%20-%20Operation%20Althea.PDF> (accessed Apr. 21, 2005)

¹⁵⁹ Rainer Feist (Admiral, ret.), e-mail to the author, Nov. 7, 2004

with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement.”¹⁶⁰ The transfer of authority from SFOR to EUFOR and the launch of operation Althea took place on 2 December 2004. The 7,000 troops formerly under the command of NATO generally stayed inside BiH. Besides the United States, most of the countries that had contributed to SFOR stayed in the country. From 2 December on, EUFOR consisted of troops from twenty-two EU member states and eleven non-EU countries.

B. OBJECTIVES

1. Political Objectives

The European Union’s intense overall commitment to BiH is reflected in its coherent approach in supporting the country’s social, political, and economic progress. Consequently, “Althea will add to the EU’s political engagement, its assistance programs and its ongoing police and monitoring missions.”¹⁶¹ Thus, EUFOR now actively supports the tasks of the EU Special Representative/High Representative, the EU Police Mission (EUPM), the EU Monitoring Mission (EUMM), the EU Customs and Financial Assistance Office (EU CAFAO), as well as other international actors such as the OSCE that support development in BiH.

The EU’s long-term political objective for BiH is a “stable, viable, peaceful and multiethnic BiH, co-operating peacefully with its neighbors and irreversibly on track towards EU membership.”¹⁶² To achieve this objective it was initially necessary “to ensure a seamless transition from NATO-led SFOR to EUFOR in order to help maintain a secure environment for the implementation of the Dayton Accords and to strengthen the local capacity building through support of the BiH

¹⁶⁰ United Nations Organization, Security Council, “Resolution 1575 (2004),” <http://daccessdds.un.org/doc/UNDOC/GEN/N04/619/22/PDF/N0461922.pdf?OpenElement> (accessed Apr. 21, 2005)

¹⁶¹ The Council of the European Union, “EU Military Operation in Bosnia and Herzegovina (EUFOR - Althea),” http://ue.eu.int/cms3_fo/showPage.asp?id=745&lang=en (accessed Apr. 21, 2005)

¹⁶² Ibid.

authorities in implementing the conditions in the Stabilization and Association Process (SAP) feasibility study.^{163,164} These short-term goals lead to the EU's medium-term political objectives: "Supporting BiH's progress towards EU integration by its own efforts, by contributing to a safe and secure environment with the objective of signing the Stabilization and Association Agreement (SAA). This complements the HR/EUSR's Mission Implementation Plan (MIP)¹⁶⁵ and the end of the EU's executive role in peace implementation, including through gradual transfer of ownership to BiH authorities."¹⁶⁶

2. Military Objectives

To support the EU's short- and medium-term political goals and those of United Nations resolution 1575, the EU formulated the following overarching military objectives for Althea: fulfil the role specified in Annexes 1a and 2 of the Dayton Accords and contribute to a safe and secure environment in BiH to support the achievement of the necessary political and economic reforms, as outlined in the MIP and the SAP.¹⁶⁷

According to those objectives several military tasks were developed:

- Provide a robust military presence in order to deter the former Entity Armed Forces and other armed groups, monitor and ensure continued compliance with the military aspects of the Dayton Accords and prevent a resumption of violence.

¹⁶³ In 2003, the European Commission conducted a Feasibility Study, identifying sixteen priority reforms on which significant progress would allow the Commission to recommend to the Council the opening of negotiations on a Stabilization and Association Agreement (SAA) with BiH.

¹⁶⁴ The Council of the European Union, "EU Military Operation in Bosnia and Herzegovina (EUFOR - Althea)," http://ue.eu.int/cms3_fo/showPage.asp?id=745&lang=en (accessed Apr. 21, 2005)

¹⁶⁵ The MIP was introduced in January 2003 and is updated at the start of each year. In the plan for 2005 the HR/EUSR sets the following core tasks: 1. Entrenching the rule of law, 2. Reforming the economy, 3. Strengthening the capacity of BiH's governing institutions, especially at the State level, 4. Embedding defense and intelligence sector reforms so as to facilitate BiH's integration into Euro-Atlantic structures.

¹⁶⁶ Ibid.

¹⁶⁷ The Council of the European Union, "EU Council Secretariat Fact Sheet - EU Military Operation in Bosnia and Herzegovina (Operation EUFOR - Althea)," <http://ue.eu.int/uedocs/cmsUpload/041129%20Althea%20update%203.pdf> (accessed Apr. 21, 2005)

- Contribute to a safe and secure environment, support the HR/EUSR's MIP and prevent efforts to reverse peace implementation, so that all EU and other actors of the international community may carry out their responsibility whilst ensuring own force protection and freedom of movement. This includes support for the International Criminal Tribunal for the Former Yugoslavia and other relevant authorities.
- Maintain and enhance a robust Situational Awareness to be able to maintain a safe and secure environment.
- Manage any residual aspects of the Dayton Accords including airspace management, advice on de-mining and ordnance disposal, and weapon collection programs.
- Provide support, within means and capabilities, in co-ordination with the EU and International Community actors, to the MIP's core tasks.
- Provide support to other civil implementation organizations regarding counter-terrorism, the fight against organized crime, the return of refugees and displaced people.¹⁶⁸

NATO did not give up its long-term commitment to BiH and maintained its headquarters in Camp Butmir in Sarajevo. "NATO will continue to assist the country to meet requirements for the NATO Partnership for Peace (PfP) program and eventually membership in the NATO alliance. NATO will also undertake certain operational tasks, including counter-terrorism whilst ensuring force protection, support to the International Criminal Tribunal for the former Yugoslavia, with regard to the detention of persons indicted for war crimes and intelligence sharing with the EU."¹⁶⁹

¹⁶⁸ Document consulted by author.

¹⁶⁹ NATO, "NATO HQ Sarajevo Mission," http://www.afsouth.nato.int/NHQSA/Factsheets/Factsheet_NHQSAmission.htm (accessed Apr. 21, 2005)

C. RISK ASSESSMENT

The war in BiH that ended with the December 1995 signing of the Dayton Accords devastated the country's infrastructure as well as the trust among the three ethnic groups forming BiH's society. With major help and support of the international community the infrastructure could mostly be re-established. Although the entities Ministries of Defense continued to exist, a state-level Ministry of Defense has been established. An outbreak of hostilities between Serbian, Croatian, and Bosnian military units is very unlikely. Thus, EUFOR's main challenge will not be the separation of combatants.

Distrust among the ethnic groups, however, is still very present today. The three nationalistic parties – the Serbian Democratic Party (SDS), the Bosnian Party of Democratic Action (SDA), and the Croatian Democratic Community (HDZ) – are still the leading political powers in the country and continue to hamper significant political, social, and economical progress. Additionally, ethnic division is supported by the entities' constitutions because they openly discriminate against the other ethnic groups. Particularly in the Republika Srpska, Serbian war criminals are still protected and covered by officials. Neither the population nor the politicians have fully accepted a common state Bosnia and Herzegovina. This lack of mutual thinking among the population also hampers sound economic development. The weak economic situation with a high unemployment rate and low-paying jobs makes parts of the population receptive to criminal activities and corruption. A further declining economy combined with the frequent dismissal of employees, the inability of companies to pay salaries, and decisions made by the High Representative to enforce the reform process – such as actions against potential war criminals and corrupt politicians – can lead to open protests among the population of an affected ethnic group. Measures against criminal organizations can also result in violent reactions and open fights.

Although policing structures in BiH are being developed with the support of the EU, their power and ability to face the widespread organized crime is still very limited. "The resistance to ethnic integration, the bleak economic outlook with rising unemployment and widespread corruption within government institutions

might therefore induce civil unrest and disorder as a consequence, as unrealistic local expectations continue to be frustrated. Organized Crime and extremism continue to be a threat to stability.”¹⁷⁰

D. ALTHEA’S COMMAND AND CONTROL STRUCTURE

Inspired by their extraordinarily positive experience with the Berlin-Plus arrangement during operation Concordia in Macedonia, the EU and NATO agreed as early as summer 2004 to make certain NATO assets and capabilities available to the EU for an operation in BiH. The EU was granted the use of NATO headquarters as well as access to NATO planning.

With the “Council Joint Action of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina” the EU’s PSC was given, under the responsibility of the Council, the political control and strategic direction of the EU-led military operation. This authorization includes the power to amend planning documents, the Chain of Command, and the Rules of Engagement, and to make further decisions on the appointment of the EU OPCDR and the EU FCDR. The powers of decision with respect to the objectives and termination of the EU military operation remain with the EU Council. The EU OHQ was established at SHAPE and the DSACEUR Admiral Rainer Feist was appointed EU OPCDR. The German flag officer retired at the end of September 2004 and was replaced by the British General Sir John Reith. In addition, another British officer, Major General David Leakey, was appointed EU FCDR in BiH.¹⁷¹ As it had been done during operation Concordia, an EUSG was integrated into SHAPE’s Strategic Direction Center to ensure full transparency for EU members that are not NATO members. The EUSG was formed as early as summer 2004¹⁷² and consists of officers from Austria, Belgium, Germany, Greece,

¹⁷⁰ Document consulted by author.

¹⁷¹ The Council of the European Union, “Council Joint Action of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina,” <http://www.eusrbih.org/legal-docs/pdf/althea-joint-action.pdf> (accessed Apr. 21, 2005)

¹⁷² NATO, “The European Union Planning Team (EUPT),” <http://www.nato.int/sfor/indexinf/172/p03b/t02p03b.htm> (accessed Apr. 21, 2005)

Ireland, Italy, Netherlands, Spain, Sweden, and the United Kingdom. Again, the group is directed by a Swedish naval captain.¹⁷³

While the members of the EUSG were double-hatted during operation Concordia, this time all officers concentrate solely on operation Althea. All nations participating in the EUSG sent additional personnel to staff the group. Moreover, even the non-NATO officers can now move unescorted inside SHAPE. Their access to important and relevant areas and information is ensured and regulated. The exchange of information between the two organizations happens through a secure mail guard system or simply through personal communication.¹⁷⁴

Another lesson learned from Concordia, the establishment of a DSACEUR liaison at the EUMS, was also maintained. It is now called the “NATO Liaison Arrangement.”¹⁷⁵

Furthermore, JFC Naples, the headquarters that is responsible for NATO’s Balkan operations, is again integrated into the EU’s command and control structure. This ensures that EUFOR can make use of NATO’s operational reserves in the Balkans if necessary. As with Concordia, a European Union Command Element (EUCE) is integrated into the JFC Regional Operation Center (ROC). At the time the decision to name the head of the EUCE was made the deputy commander of the JFC was staffed by Great Britain. To avoid a solely British chain of command – the DSACEUR, the Head of the EUCE, and the EU FCDR in BiH, all were British officers – the proven Head of EUCE during Concordia, Italian JFC Chief of Staff (COS) Lieutenant General Cocozza, was appointed Head of EUCE for operation Althea as well.¹⁷⁶ Like the EUSG at

¹⁷³ NATO, “EU Operation Headquarters (OHQ) at SHAPE – Mons/Belgium,” http://www.nato.int/shape/issues/shape_eu/shape.htm (accessed Apr. 21, 2005)

¹⁷⁴ Joerg Schweinsteiger (BrigGeneral, EU Director of Operations at SHAPE), telecommunication with the author, Apr. 13, 2005

¹⁷⁵ Rainer Feist (Admiral, ret.), e-mail to the author, Dec. 14, 2004

¹⁷⁶ Rainer Feist (Admiral, ret.), e-mail to the author, Oct. 31, 2004

SHAPE, the EUCE was formed as early as summer 2004 and consists of officers from NATO and non-NATO EU member states.¹⁷⁷

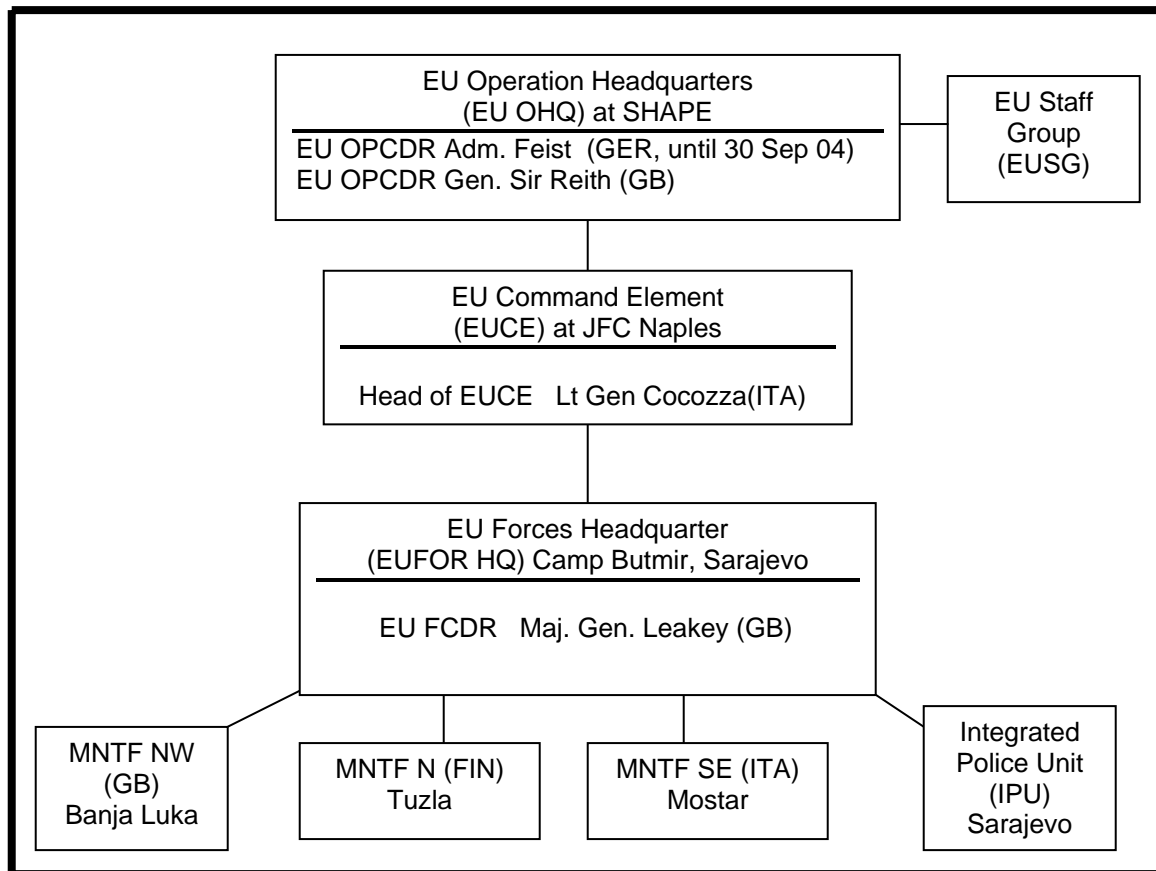


Figure 7. Althea's Command and Control Structure

In BiH the EU has established headquarters in Camp Butmir, where it is collocated with the NATO HQ. It became fully operational under the command of the EU FCDR, British Major General Leakey, on 1 December 2004. In addition to staffing the EU FCDR, Great Britain adopted the responsibility of becoming the first lead nation for Althea.

As early as July 2004, a truly international European Union Planning Team (EUPT),¹⁷⁸ led by a British Colonel, was collocated with the HQ SFOR to prepare

¹⁷⁷ NATO, "The European Union Planning Team (EUPT)," <http://www.nato.int/sfor/indexinf/172/p03b/t02p03b.htm> (accessed Apr. 21, 2005)

¹⁷⁸ Members of the EUPT came from Hungary, Sweden, Finland, Slovenia, Great Britain (leader of the EUPT), Portugal, France, Austria and Germany

and plan for the forthcoming EU-led military operation. This preparation included not only operational planning but also external liaison with other institutions and organizations such as the Office of the High Representative (OHR), the EUPM, and the OSCE. Of highest importance, the EU implemented close cooperation with the NATO HQ to ensure a seamless transition and handover of the mission from NATO to the EU.¹⁷⁹ The EUFOR HQ's staff was manned from October 2004 on. The personnel were initially integrated into the corresponding SFOR branches and were trained on the job. Key leaders, such as Task Force Commanders, branch chiefs, and above, had to undergo special training, consisting of three phases. The first phase, the so-called "mission orientation," contained briefings from Paddy Ashdown, the High Representative and Special Representative, local politicians, university professors, and the EU OPCDR. During the second phase, the "Ground Orientation," the officers visited the different headquarters and the key geographic areas of BiH. Finally, during the "Exercise" phase, the leaders conducted discussions about possible developments inside the country and how to react appropriately. In addition, in a brief exercise the staff had to demonstrate that they were capable and ready to face challenges that went beyond the daily routine.¹⁸⁰

Below the EUFOR HQ in Camp Butmir the EU maintained the force structure that had proven successfully during the SFOR operation. Consequently, the three existing MNTFs were integrated into the EUFOR command and control structure. Again, an overwhelming majority of the SFOR countries maintained their commitment to BiH, leaving their forces in the country under EUFOR command. Great Britain maintained its leading role in the MNTF North-West (NW), and Italy, having been a participating country during SFOR, took over the command of the MNTF South-East (SE) in March 2005. The United States had commanded the MNTF North (N) during SFOR, but having ended its commitment

¹⁷⁹ NATO, "The European Union Planning Team (EUPT)," <http://www.nato.int/sfor/indexinf/172/p03b/t02p03b.htm> (accessed Apr. 21, 2005)

¹⁸⁰ Jochen Gumprich (LtCol, Military Assistant to the Chief of Staff EUFOR HQ until Mar. 28, 2005), email to the author, Mar. 19, 2005

in BiH after the transfer of authority from SFOR to EUFOR, the U.S. contingent was replaced by Finnish troops. Finland also took over the command of the MNTF N.¹⁸¹

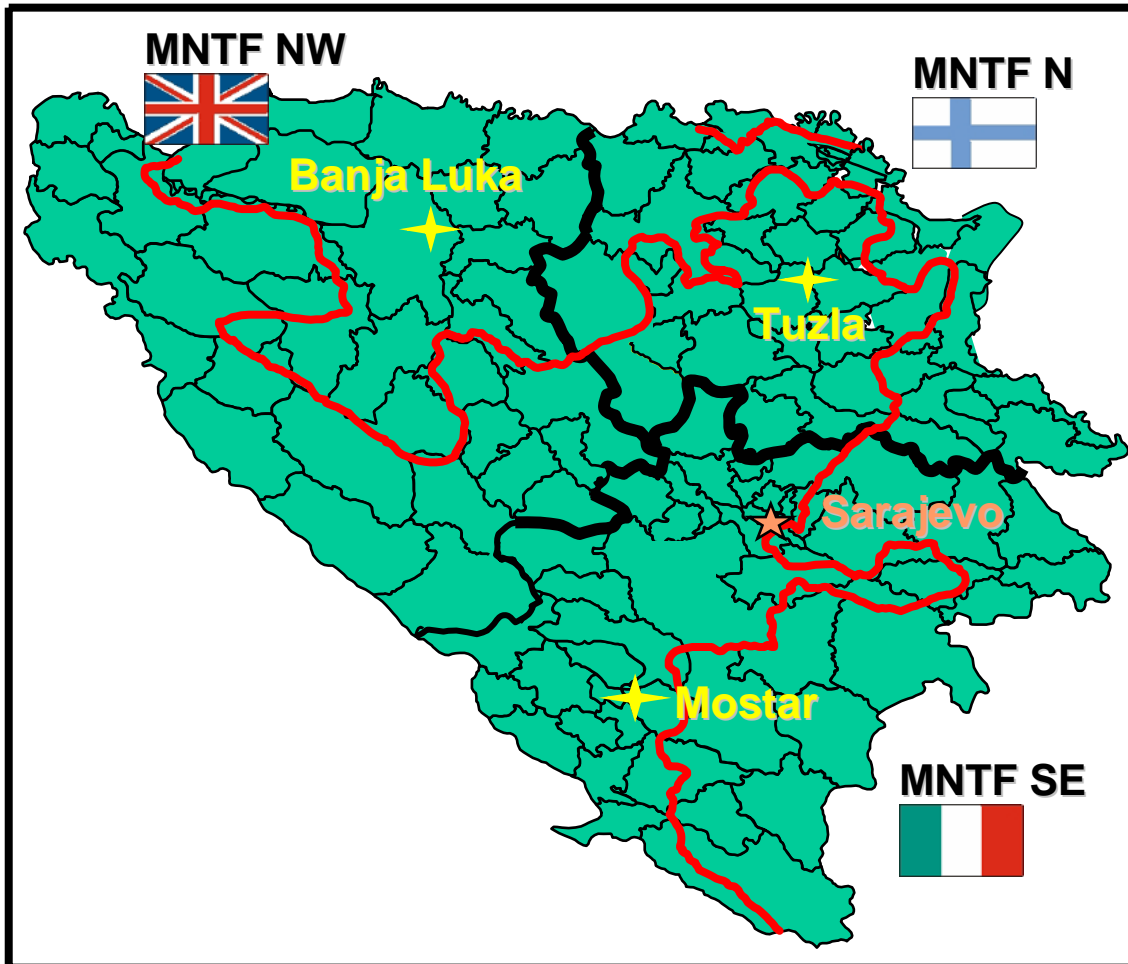


Figure 8. MNTF's Areas of Responsibility (AOR)¹⁸²

The three Multinational Task Forces have a defined area of responsibility but the Integrated Police Unit (IPU) – since 2 December 2004 the successor of the Multinational Specialized Unit – can be deployed throughout BiH. The core of

¹⁸¹ European Defence, "EU Force (EUFOR) – Operation ALTHEA," <http://www.european-defence.co.uk/directory/althea.html> (accessed Apr. 21, 2005)

¹⁸² Ibid.

this unit is the Italian Carabinieri, a flexible and versatile unit deployable in post-conflict crisis situations and synthesis of military attitude and police capability.¹⁸³

To ensure a seamless command and control capability from the EU OPCDR at the EU OHQ in SHAPE through the EUCE at JFC Naples and the EUFOR HQ in Camp Butmir down to the MNTFs, NATO made its networks and phone lines available to the EU. The OPCDR on the strategic level receives a Weekly Situation Report and a Monthly Assessment Report from the FCDR through the COS EUCE. In addition, NATO's support ensures the communication and information flow on the EUFOR HQ level as well as on the MNTF level.¹⁸⁴

E. FORCE COMPOSITION

EUFOR consists of approximately 7,000 troops from twenty-two EU member states and eleven third countries. A majority of the personnel are assigned to the three MNTFs: each has approximately 1,800 soldiers. The EU FCDR, British Major General Leakey, has also approximately 1,000 theatre troops at his disposal which are based at various locations in BiH.¹⁸⁵ Another EUFOR asset, the IPU, has strength of approximately 530 officers. "This unit consists of its headquarters in Sarajevo, of a mobile element that usually carries out normal framework operations, civil disturbance operations and quick reaction force operations, of a specialized element that consists of 5 investigation teams and 1 operational support team and of a logistic element that consists of units for logistic supply and maintenance."¹⁸⁶

Each of the MNTFs has its own headquarters, a signal unit, a command and information unit, a medical unit, a multinational integrated logistic unit, a helicopter unit, a military police unit, and a maneuver battalion, consisting of three maneuver companies as deterrent components. These battalions are

¹⁸³ EUFOR, "Integrated Police Unit," <http://www.euforbih.org/forum/002/p05a/tefp05a.htm> (accessed Apr. 2, 2005)

¹⁸⁴ Jochen Gumprich (LtCol, Military Assistant to the Chief of Staff EUFOR HQ until Mar. 28, 2005), email to the author, Mar. 19, 2005

¹⁸⁵ EUFOR, "EUFOR Organization," <http://www.euforbih.org/organisation/organisation.htm> (accessed Apr. 21, 2005)

¹⁸⁶ EUFOR, "Integrated Police Unit," <http://www.euforbih.org/sheets/fs050225a.htm> (accessed Apr. 21, 2005)

equipped with lightly armored vehicles and light infantry weapons. If necessary, EUFOR will have access to operational reserve forces through the Commander JFC Naples and the head of EUCE, and to strategic reserve forces through the SACEUR and the EU OPCDR (DSACEUR) at SHAPE. In addition, reflecting the high importance of intelligence operations for the success of operation Althea, each MNTF includes a Situational Awareness Structure consisting of one Intelligence, Surveillance, and Reconnaissance (ISR) Company, Verification Teams (VT), and Liaison Observation Teams (LOT).¹⁸⁷

The ISR companies consist of intelligence platoons, light- armored reconnaissance platoons, and electronic warfare platoons. The companies are tasked to collect information that may be important for the protection of EUFOR and for the successful execution of the operation. Their tasks include the observation of extremist groups, irregular forces, and criminal organizations as well as communication with the local population in order to sense possible changes in attitude and mindset. The VT's main task is to observe the actions of the Entity Armed Forces, their transformation in compliance with the Dayton Accords and the reduction of the weapon storage sites and the ammunition storage sites. Consequently, the VTs consist of inspection and control platoons and documentation platoons.¹⁸⁸

The third element of the Situational Awareness Structure, the LOT, was introduced into BiH in June 2004 after this concept had been extraordinarily successful during operation Concordia in Macedonia in 2003. To stress the importance of the LOTs for the success of operation Althea, the LOT concept of operations and the tasks and training of the personnel will be discussed in more detail in the next section.

F. LIAISON AND OBSERVATION TEAMS

Taking into account the current security situation in BiH and the necessity for forces to be able to react quickly to any possibly evolving unrest among the

¹⁸⁷ Bundesministerium der Verteidigung, Führungsstab der Streitkräfte, "Briefing ALTHEA," PPT-file, email to the author 2 November 2004

¹⁸⁸ Document consulted by author.

population, the maintenance of the situational awareness became an issue of highest priority for the international community (IC) and their forces in BiH. The IC needed an instrument to “feel the pulse”¹⁸⁹ of the country, that is, to provide information about the evolving political, economic, social, environmental, and security situation in BiH. As early as June 2004 NATO introduced LOTs into SFOR. Many of those teams were accommodated in houses in local communities, so-called “field houses” and were tasked to keep close contact with the local people.¹⁹⁰ Alternatively, SFOR established so-called “field offices” and LOT offices in the main force camps.

The acceptance of the LOTs and, particularly, their accommodation in field houses was extraordinarily high among the BiH population. A poll conducted by the so-called “Salamander Task Force” at the end of 2004 shows that 86 percent of the BiH population confided in the LOTs and 80 percent would inform the LOTs in times of threat. Furthermore, the poll demonstrates that the common people are more willing to report incidents or threats to LOTs in field houses than to field offices or camps.¹⁹¹

Since spring 2005, the importance of the LOTs in regard to the maintenance of situation awareness is reflected in an overarching EUFOR concept, central to the deployment and tasking of the teams and the selection and training of LOT personnel. The LOTs, acting as the “public face” of EUFOR, collect overt information through close contact and open communication with the local population and agencies and by proactive liaison with international organizations, governmental and non-governmental organizations, and local representatives of the BiH Armed Forces. In order to gain the trust and confidence of the local people, the LOTs will be based in field houses unless they are deployed in the close vicinity of larger cities or EUFOR camps. The number of LOTs in the three MNTFs may vary depending on the particular requirements

¹⁸⁹ Peter Goebel (BrigGeneral, Chief of Staff EUFOR until Mar. 28, 2005), telecommunication with the author, 15 April 2005

¹⁹⁰ The exact tasks are outlined on page 58.

¹⁹¹ Einsatzfuehrungskommando, “Salamander Task Force - Evaluation LOT Reports and Opinion Poll,” PPT-file, email to the author, 16 January 2005

of each area of responsibility. Each team, however, will contain between six and eight members from different rank, gender, and age groups, but a single nation, plus two interpreters. This structure will not only overcome the language barrier but will also make it easier for the LOTs to have access to different local social levels. Each member of a LOT must have a distinct capability to work and cooperate in a team, must be able to cope with high physical and psychological stress, and must have a calm, balanced, and mature personality. Before the LOT personnel are deployed, they must be trained and educated in Bosnian history, including an overview of the war, the current situation in the country, and future potential challenges. Additionally, the personnel must learn about the social, political, and economical situation as well as the structure of significant international organizations that support the development of Bosnia and Herzegovina. Finally, the LOT members will receive mission-oriented and in-theater training that covers operational issues.¹⁹²

G. THE DEVELOPMENT AFTER 2 DECEMBER 2004

Right after the transfer of authority from SFOR to EUFOR on 2 December 2004, the EU demonstrated its strong commitment to BiH and its coherent approach to supporting the country's social and political progress by taking coordinated measures against the Republika Srpska (RS), the entity that still does not fully comply with the Criminal Tribunal for the Former Yugoslavia (ICTY). On 16 December 2004, Lord Ashdown, in his function as the High Representative, removed nine high-ranked police officers and blocked bank accounts of persons suspected of actively supporting war criminals.¹⁹³ In addition, he announced that by the end of 2005 the entities' ministries of defense and police would cease to exist. Thereafter, their functions would be carried out by the state of Bosnian and Herzegovina. More emphatically, he directly threatened the RS:

¹⁹² Document consulted by author.

¹⁹³ Michael Martens, "Bosnische Serben widersetzen sich dem Hohen Vertreter Ashdown," *Frankfurter Allgemeine Zeitung*, No.301, 2, Dec. 24, 2004

If the RS, and because of it, BiH fails a third time – then I need to make it very clear that I will not hesitate to take measures that deal, directly and powerfully, with the assets and institutions of the RS. And I can tell you now, no options are currently ruled out, if it comes to this.¹⁹⁴

On the same day, EUFOR started inspections of Bosnian Serb military facilities in Crna Rijeka near Han Pijesak, the place where the Bosnian Serb Army had its headquarters during the war. Strong evidence suggested that those well-designed and -constructed facilities were used by persons accused of war crimes within the preceding few years. On 23 December 2004, British Major General Leakey, the EU FCDR, announced that “all underground military facilities in Crna Rijeka, along with other bunkers and underground military facilities located within a radius of a few kilometres will be sealed on suspicion that they are being used to hide persons indicted for war crimes.”¹⁹⁵

These measures and announcements were strongly opposed by high-level Bosnian Serb politicians and condemned as being undemocratic and illegal. Blaming Ashdown, the Bosnian Serbs claimed that the measures destabilized the country and violated the Dayton Accords. As a protest against Ashdown’s announcement, several Bosnian Serb politicians, including the BiH foreign minister and the prime minister of the Republika Srpska, resigned.¹⁹⁶

By end of January 2005 EUFOR had searched 119 military locations that intelligence experts believed could be used by war criminals as hideouts. The sustained pressure created by the coordinated measures of the HR and EUFOR finally forced the RS authorities on 15 January 2005 to transfer a potential war criminal to ICTY in The Hague, the first transfer of an ICTY indictee in nine

¹⁹⁴ Office of the High Representative and the EU Special Representative, “Statement by the High Representative, Paddy Ashdown at today’s Press Conference (Dec. 16, 2004),” http://www.ohr.int/ohr-dept/presso/pressb/default.asp?content_id=33741 (accessed Apr. 21, 2005)

¹⁹⁵ FBIS, “EU Force to seal wartime Bosnian Serb army HQ,” *Bijeljina SRNA* in Bosnian/Croatian/Serbian, Dec. 23, 2004

¹⁹⁶ Michael Martens, “Bosnische Serben widersetzen sich dem Hohen Vertreter Ashdown,” *Frankfurter Allgemeine Zeitung*, No.301, 2, 24 December 2004

years.¹⁹⁷ In February, a Monitoring Group for Cooperation with the ICTY was established and tasked to strengthen coordination between all agencies and institutions in BiH responsible for ensuring full cooperation with The Hague. The group will be chaired by the BiH Prime Minister Adnan Terzic and the High Representative and will include officials from the state and entity authorities as well as representatives of EUFOR, NATO, and the European Police Mission (EUPM).¹⁹⁸ By the end of March, several former army commanders and generals had surrendered to The Hague.¹⁹⁹

EUFOR's commitment and activities also include the fight against organized crime. In close cooperation with the EUPM – a EUPM officer is attached to EUFOR at the various command levels – and the EU Customs and Financial Assistance Office, EUFOR troops support the local law-enforcement agencies in tackling organized criminal networks.²⁰⁰ At the beginning of April, 550 additional soldiers from the Italian Alpini regiment were deployed in the country to help the existing troops and local agencies in this challenging task.²⁰¹ As a first success, on 11 April, BiH authorities in cooperation with EUFOR troops confiscated 52kg of heroin with an estimated street value of several million Euros.²⁰²

On 10 March 2005, the BiH Supreme Court confirmed charges against several high-ranking officials, accusing them of involvement in organized crime. One was Dragan Covic, the Croatian member of the three-headed BiH presidency. The indictment alleged that Covic, while he was the finance minister

¹⁹⁷ The Council of the European Union, "Operation ALTHEA – Quarterly Report to the United Nations," Document 6713/2/05, Mar. 7 2005, 3

¹⁹⁸ FBIS, "B-H Official Details Measures To Speed Up Apprehension of Hague Indictees," *Sarajevo Dnevni Avaz* in Bosnian/Croatian/Serbian, Feb. 5, 2005

¹⁹⁹ Office of the High Representative and the EU Special Representative, "Remarks by the High Representative for BiH, Paddy Ashdown, to the UN Security Council," http://www.ohr.int/ohr-dept/press/presssp/default.asp?content_id=34368 (accessed Apr. 21, 2005)

²⁰⁰ Document consulted by author.

²⁰¹ FBIS, "EUFOR Deploys 550 Italian Troops To Help Fight Against Criminal Networks," *Sarajevo ONASA* (Internet Version) in English, Apr. 4, 2005

²⁰² FBIS, "Bosnian Authorities, EU Forces Confiscate 52kg of Heroin," *Bijeljina SRNA* in Bosnian/Croatian/Serbian, Apr. 11, 2005

of BiH, granted a company exemption from taxes, causing a loss of millions of convertible marks (KM), the official BiH currency. In addition, the indictment says that Covic received a one-million KM bribe from the company. Covic refused to step down and, consequently, on 29 March 2005, was removed from his post by the HR. Aware of the scope of his decision but needing to act against corruption, Paddy Ashdown was forced for the first time to use his Bonn Powers against the highest political institution in BiH.²⁰³

H. FINDINGS

It became obvious as early as spring 2004 that the EU would take on the responsibility in BiH to replace NATO's forces with EUFOR by the end of the year. The final decision was made during the Istanbul Summit in June, six months before the transfer of authority. Most important, the EU and NATO agreed that operation Althea would be conducted using Berlin-Plus, the arrangement that had proven so extraordinarily successful in 2003 during operation Concordia in Macedonia. Consequently, the EU, again got access to NATO planning, assets and capabilities and to NATO headquarters. The agreement paved the way for the creation of a command and control structure for Althea like that of Concordia. Moreover, due to the EU's early decision to take over from NATO, unlike operation Concordia, it was possible this time to consider the complete NATO operational planning process. In addition, important military structures, such as the EUSG in SHAPE, the EUCS at JFC Naples and the EUPT and EUFOR headquarters staff in Sarajevo – all consisting of NATO- and non-NATO EU officers – could be deployed early so that their personnel had enough time to familiarize themselves with their work and could prepare and plan Althea properly. Deficits that had been an issue during Concordia, such as double-hatted officers in the EUSG, unregulated security issues, and the exchange of information between NATO and EUFOR could be resolved in a timely fashion. In Sarajevo, both organizations are co-located in Camp Butmir and co-operate under the guideline: "One building – two headquarters, two

²⁰³ FBIS, "Ashdown Says Covic Removal Was The Right Thing for B-H, Covic Views Move As Unlawful," *Banja Luka Nezavisne Novine* in Bosnian/Croatian/Serbian, Mar. 30, 2005

missions – one aim: to help the people of Bosnia and Herzegovina.”²⁰⁴ Finally, the vast majority of the countries that had supported SFOR decided to stay committed to BiH and maintain their national forces in the country under the EUFOR command. This whole process and development ensured a smooth and seamless transition between NATO and EUFOR.

While NATO used a plain military approach to deal with the challenges and problems in BiH, to manage the crisis, and to stabilize the country, the EU selected a coherent approach based on close cooperation between a military force, EUFOR, and civilian actors in order to support the country’s social, political, and economic progress and to bring it closer to European integration. The EU approach reflects the current risk assessment: stability in BiH is not threatened by combatants openly fighting each other, but rather by widespread corruption, organized crime, resistance to ethnic integration and the poor economic situation. None of those challenges can be tackled solely by a military force. In fact, a military force such as EUFOR can only act as a supporting factor to help the civilian institutions conduct their missions in a safe and secure environment. Consequently, EUFOR’s tasks – besides the original military task to maintain a durable cessation of hostilities by deterring the former Entity Armed Forces and other armed groups and to contribute to a safe and secure environment – contain mainly supportive tasks, including supporting the fight against organized crime and terrorism and supporting the hunt for and apprehension of war criminals.

EUFOR’s force structure and composition certainly puts it in a good position to fulfill the given tasks. Considering the current situation in the country, the present number of soldiers, and the structure of the Multinational Task Forces ensure a capability to deter and to contribute to a secure environment so that other international actors can execute their missions safely. In addition, the same forces have the capability and manpower to support the hunt for and apprehension of war criminals. At present, open hostilities are not likely. But if the

²⁰⁴ Peter Goebel (BrigGeneral, Chief of Staff EUFOR until Mar. 28, 2005), telecommunication with the author, 15 April 2005

situation in BiH should become unstable and the present European troops are not able to handle the situation, EUFOR can access operational reserve forces and, if necessary, strategic reserve forces in coordination and cooperation with NATO.

By integrating the IPU, a flexible and versatile unit mostly consisting of Italian Carabinieri, and recently, parts of the Italian Alpini regiment, into the force structure, EUFOR added a capability to effectively support other international actors, like the EUPM, and local institutions in the fight against organized crime. First successes have already been achieved.

If unrest arises among the population, it will most likely develop out of dissatisfaction with the domestic social or economical situation or out of disputes between the different ethnic groups. For EUFOR it is of the highest priority that possible unrest be discovered at the very outset. Consequently, it needs to have continuous situation awareness about the situation among the population. EUFOR needs to know about dissatisfaction, problems, and disputes among the population in order to induce appropriate measures. The deployment of LOTs among the population and the accommodation of those teams in residential areas has proven to be an excellent measure to “feel the pulse” of the people. The fact that the teams literally live among the locals builds trust and acceptance and creates open communication. They can identify possible problems before they develop into bigger disputes or unrest. However, the success of the LOTs depends very much on the team members and their capabilities. Their character, personality, and education are of the highest importance. These needs are fully reflected in the overarching EUFOR LOT concept that was introduced in early spring 2005. The concept stresses that only appropriate personnel with proper education and training must be deployed in the LOTs. The suggested training covers many important areas: the history of BiH, including an overview of the war, the current social, political, and economical situation in the country, as well as the structure of other significant international organizations that operate in the country. The whole concept ensures that the selected personnel will be well

prepared to fulfill their important and highly challenging task with regard to maintaining EUFOR's situation awareness.

The coherent EU approach to tackle the problems inside BiH as well as the "excellent cooperation between the High Representative and EUFOR"²⁰⁵ was impressively demonstrated shortly after EUFOR took over from SFOR. The operation that ended with the sealing of Bosnian Serb military underground facilities, associated with Paddy Ashdown's political measures against the Republika Srpska on 16 December 2004, is one example of a synchronized use of military and political means to achieve coherent results. In addition, that early demonstration of EUFOR's capabilities immediately established the visibility and authority of EUFOR and made a positive early impact both nationally and internationally.²⁰⁶ In fact, after almost ten years, the Republika Srpska transferred a war criminal to The Hague in mid January 2005 and by the end of March several former army generals had surrendered voluntarily to the International Criminal Tribunal for the Former Yugoslavia in The Hague.

These successes are certainly significant first steps toward overcoming the war criminal problem. However, so long as Radovan Karadzic and Ratko Mladic remain free this issue will remain a barrier for Bosnia and Herzegovina on its way to European integration. Moreover, as the action of the High Representative against the Croatian part of the BiH presidency on 29 March suggests, corruption and organized crime remains a major problem for the future development of the country and are likely to require strong and concerted action on the part of the EU, including EUFOR, EUPM and the local authorities.²⁰⁷

²⁰⁵ Peter Goebel, BrigGeneral, Chief of Staff EUFOR until 28 March 2005, telecommunication with the author, Apr. 15, 2005

²⁰⁶ Council of the European Union, "Operation ALTHEA – Quarterly Report to the United Nations," Document 6713/2/05, Mar. 7, 2005, 5

²⁰⁷ Council of the European Union, "Operation ALTHEA – Quarterly Report to the United Nations," Document 6713/2/05, Mar. 7, 2005, 6

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VI. CONCLUSION

Within the last seven years, the EU has put enormous effort into the development of a credible European Security and Defense Policy. It created a political-military framework that is strongly comparable to the proven framework of NATO. The Political and Security Committee, the EU Military Committee, and the EU Military Staff form a structure that serves as a solid base for EU-led military operations under political control and with broad military expertise. The 2003 Berlin-Plus arrangement reflects the close relation and connection between NATO and the EU and represents a milestone for the EU becoming operational. The arrangement gives the EU the possibility to use NATO's integrated military command structure, its assets, and its planning. The European Capabilities Action Plan, the Headline Goal 2010, and the European Security Strategy demonstrate that the EU is aware of its weaknesses in military capabilities and of its political and military responsibilities and that it is willing to tackle the existing shortfalls in the fields of deployability, mobility, sustainability, effective engagement, and C4ISR. Certainly, these deficits still hamper the EU from taking on high-intensity military operations. However, they will have no considerable effect on the low-intensity operation Althea. Moreover, the dynamic development and improvement of the ESDP since 1998, results that have been achieved in a comparatively short period of time, clearly demonstrate and prove the strong will of the EU to face and to overcome existing and future challenges.

The first EU-led military mission, operation Concordia, concluded successfully in December 2003, demonstrated that the EU is able to deploy a capable military force. The EU's political-military framework demonstrated its competence. And the Berlin-Plus arrangement, also used for the first time, proved to be an outstanding and extremely effective tool for an EU-led operation. EU military command elements were successfully integrated into NATO headquarters on various levels. In addition, NATO allowed the EU access to NATO assets and planning. The minor problems that were identified arose mainly from still unregulated procedures between NATO and the EU in regard to security

issues or because of the extremely short timeframe for preparation of the mission. None of the challenges threatened the operation; indeed, most of them were resolved during the mission. The EU's approach in dealing with the challenges inside Macedonia proved to be extremely useful. The deployment of liaison teams and their accommodation in rented houses among the local population quickly created an atmosphere of trust and confidence and was one key to the success of the EU's contribution to the return of stability in Macedonia.

An analysis of Bosnia and Herzegovina's history, especially its development after Tito's death, the war and the development after Dayton demonstrates, ethnicity is of prime importance and hugely significant to the people and society of the country. Its ethnic division has always been a major challenge. The devastating 1990s war that was ended by the Dayton Accords in December 1995 demonstrated how deep the hatred and ethnic division was. When the Dayton Accords succeeded in creating peace and internal stability, the military troops could be significantly reduced from approximately 60,000 in 1995 to approximately 7,000 troops today. Dayton failed, however, in creating a state. The Constitution designed for BiH by the Accords supported the ethnic division of the country and created a weak overarching state that was hardly able to enforce decisions against the will of any ethnic group. Progress could only be achieved by giving the High Representative the extraordinary Bonn Powers. And still, BiH remains ethnically divided. The nationalistic parties that were responsible for the outbreak of the war are still the main political players and the entities, particularly the Republika Srpska, still do not fully cooperate with the International Criminal Tribunal for the Former Yugoslavia in The Hague. The fact that war criminals such as Ratko Mladic and Radovan Karadzic are still not transferred to The Hague is a major barrier to ethnic integration. The population's resistance to ethnic integration and the lack of a common Bosnian-Herzegovinian consciousness hampers social, political, and economical progress and, consequently, paves the way for widespread corruption and organized crime. Today, fights between combatants are unlikely. However, the current domestic

situation could easily lead to disputes among the people, particularly between different ethnic groups, and, consequently, to social unrest.

The EU chose a coherent approach based on close cooperation between their military force, EUFOR, and the involved domestic and international civilian institutions and organizations to tackle Bosnia and Herzegovina's social, political, and economic problems. This overarching approach reflects the current risk assessment because the country's stability and progress is no longer threatened by open fights between combatants but by widespread corruption, organized crime, resistance to ethnic integration, and the poor economic situation. EUFOR's tasks, therefore, in addition to the military tasks outlined in Annex 1a and 2 of the Dayton Accords, contain mainly supportive tasks, including supporting the fight against organized crime and terrorism as well as supporting the hunt for and apprehension of war criminals. Unlike operation Concordia in Macedonia, EUFOR had sufficient time to prepare for this challenging mission. Operation Althea was planned thoroughly and the key military personnel were deployed in a timely fashion. Again, the EU made use of the highly valuable Berlin-Plus arrangement and established the military command and control structure that had proven so successful during Concordia. Deficits that were an issue during the Macedonia operation such as double-hatted officers in the EU Staff Group, unregulated security issues, and the problematic exchange of information between NATO and EUFOR could be resolved early. Moreover, the military structure of EUFOR in Bosnia and Herzegovina takes the domestic situation into account properly. With their three Multinational Task Forces, EUFOR has sufficient power to deter and ensure a secure environment and to support the hunt for and the apprehension of war criminals. Operational and strategic reserve forces are on stand-by to give EUFOR military back-up if necessary. Furthermore, a versatile and flexible Integrated Police Unit enables EUFOR to support local institutions and organizations in the fight against organized crime and the Liaison Observation Team concept has proven to be the proper approach to ensure the maintenance of the highly important Situation Awareness.

This analysis of the development of the European Security and Defense Policy, its conceptual and institutional achievements, military capabilities, and recent experience in Macedonia, associated with the current challenges in Bosnia and Herzegovina and the approach of the EU and its military forces to tackle the current challenges suggests that EUFOR will successfully implement the Dayton Accords. The results that have already been achieved since the transfer of authority from SFOR to EUFOR on 2 December 2004 emphatically support this conclusion. However, time will tell if the implementation of the Dayton Accords is sufficient to bring Bosnia and Herzegovina closer to European integration. Former U.S. President Bill Clinton stated this point precisely in his speech on 14 December 1995: “no foreign power can guarantee that Muslims, Croats, and Serbs can live in Bosnia and Herzegovina as free citizens in one country. This, only the Bosnian people can achieve.”

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